

CITY OF FREMONT
MINUTES OF THE REGULAR FREMONT PLANNING COMMISSION MEETING

Tuesday, November 24, 2009
Fremont City Hall

Call to Order: A regular meeting of the Fremont Planning Commission was held in the Council Chambers at the Fremont City Hall on Tuesday, November 24, 2009. The meeting was called to order at 4:03 p.m. by Planning Commission Chair Don Henry.

Fremont Planning Commission Members Present: Chair Don Henry and Commissioners Jack Butterick, Dennis Caplis, Marcia Eib, Jim Krouse, Peg May and Jim Sloan

Fremont Planning Commission Members Absent: Jane Drake and Lon Vredevel

City Officials Present: James M. Rynberg, Fremont City Mayor
Michele Ribant, Fremont Zoning Administrator

Review and Approval of the Fremont Planning Commission Meeting Agenda

A motion was made by Jack Butterick, seconded by Marcia Eib and carried to approve the agenda as presented for the November 24, 2009 meeting.

Approval of the Fremont Planning Commission Minutes

A motion was made by Marcia Eib, seconded by Jim Krouse and carried to approve the minutes from the October 27, 2009 regular Fremont Planning Commission meeting.

Public Comment

Jackie Hite, who lives at 109 N. Division, thanked the Commission for recommending changes to the Code that will allow a resident whose dwelling burns etc. to rebuild to the current footprint if the rebuilding begins within one year of the disaster and is completed one year thereafter. She indicated that the change in the language in the City Zoning Code made it possible for her to get financing on her home.

Public Hearing - Special Use for a Drive-thru in the West Main District (Spanky's Pizza Restaurant – 1042 W. Main Street)

The public hearing was opened at 4:11 p.m.

Kevin Osterhart gave an overview of the internal traffic pattern so that everyone would understand how the drive-thru lane would be managed. It was pointed out that a patron could exit and enter off of Main Street. It was also pointed out that a vehicle coming off of Main Street could turn to the right and then circle around the building to the drive-up window. Mr. Osterhart indicated that cross access to the property to the east (currently the BP gas station) would be provided at the north end of the subject site.

Debbie Hurt, manager of the BP gas station located at 1028 W. Main Street, expressed a concern that the cross access should be towards the south side of the subject site. It was pointed out that cross access would not be possible to the very south, at least how the BP gas station site is currently situated because the south end of their site is not paved; but rather, it is a grassy area.

Kathy Evans, who resides at 1041 Alan, said she enjoys Spanky's pizza and is happy they are expanding; however, she indicated that she is concerned about the traffic safety at the corner of Main Street and Connie Avenue, especially on busy nights, such as Friday night. She said she is also concerned about the impact the traffic will have on her neighborhood. It was reported that the Michigan Department of Transportation (MDOT) is reviewing the plans, and their priority is safety. It was pointed out that the plans will have to be revised if MDOT requires changes for safety reasons. Michele Ribant indicated that she is concerned about any screening that would be located at the corner of Main Street and Connie Avenue due to the sight lines requirements.

The public hearing was closed at 4:20 p.m.

The architect, Kevin Osterhart, assured the Commission and the public that the plantings at the corner will not grow to over 30 inches.

Kevin Osterhart indicated that all exterior lights would be cut-off lights so as to protect the dark skies.

It was pointed out that the Planning Commission should base its decision on whether the applicant satisfied the Special Use Standards; they should be comfortable with the internal traffic pattern. Michele Ribant indicated that there were enough stacking spaces in the drive thru lane to accommodate the anticipated demand, which means that the internal traffic pattern should not have a negative impact on the public streets.

A motion was made by Jim Krouse, seconded by Jim Sloan and carried to recommend to the Fremont City Council approval of the Special Use for a drive thru lane and window for a restaurant located at 1042 W. Main Street based on the following responses to the Special Use Standards:

1. Promote the intent and purpose of this Ordinance

The intent is to conform and be compatible with the purposes of the West Main District to provide commercial convenience for the immediate and surrounding areas within the guidelines of the West Main District ordinance parameters.

2. Be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.

The design, construction, operation and maintenance of this drive-thru will be harmonious, compatible and appropriate in regard to the land and businesses around it. The quality of design of this development is in keeping with the regulations as outlined in the Fremont Form-based Code. The building and the drive-thru will use high quality materials, and the design of the building is of the character that will be in keeping with the surrounding vicinity. Safe vehicular and pedestrian traffic flow will be provided within the site design and adequate queuing at the drive-thru is provided without blocking traffic circulation.

3. Be served adequately by essential facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.

The redeveloped site will be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage and refuse disposal.

4. **Not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.**

The special land use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or public welfare. The redevelopment of this site is in keeping with the purpose and intent of the West Main District. It provides a use needed to create a balance of uses in Fremont's commercial corridor. There will be no ill effects to neighboring uses, persons, property or public - only positive effects!

5. **Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.**

There will be no additional public costs created because of the drive-thru for the restaurant. The service provided at the drive-thru will be helpful to the economic welfare of the community. All costs related to the redevelopment of the site will be borne by the developer, and the use will create no significant additional costs to the City's facilities and services over the former use on the property.

Planning Commission Deviations (Spanky's Pizza Restaurant – 1042 W. Main Street)

Chair Henry indicated that the petitioner is requesting deviations to the regulations in the Fremont Form-based Zoning Code in relation to form-based issues pertinent to the proposed development, which is to house Spanky's Pizza Restaurant located at 1042 W. Main Street in the West Main District in Fremont, MI. Kevin Osterhart, architect with Concept Design Studio, outlined the requested deviations as outlined in the staff report. He indicated that many of the form-based requirements seem to apply more appropriately to a downtown retail district. He also said that in order to retain the required number of parking spaces, landscape islands were not included; but rather, the required number of trees (5) are dispersed throughout the subject site.

Michele Ribant reported that all other elements of the plans have been approved subject to a few conditions that have to be met. She indicated that in terms of the sight line at the corner of Connie Avenue and Main Street, she thinks the fencing and wall could cause some vision blockage, so she wanted them taken out of the plans. She indicated that plantings that will not exceed 30 inches are acceptable at the corner. She also said that the plan has to be signed off on by the Michigan Department of Transportation (MDOT). Kevin Osterhart indicated that he had forwarded the plans to MDOT.

A motion was made by Jim Sloan, seconded by Jack Butterick and carried to approve the following deviations to the Fremont Form-based Zoning Code:

- **Projections:** To allow one 3-1/2 foot deviation to the eastern jog of the front facade and one 18-1/2 foot deviation to the western jog of the front facade
- **Lot coverage:** A lot coverage deviation of 2.1%
- **Facade variation:** To eliminate the necessity for a base panel, an entryway with a framed piers/pilaster and a sign band on the north and west facades, the facades facing public streets
- **Transparency requirements:** To allow 22% transparency on the north facade rather than the minimum 40% and to allow 23% transparency on the west facade rather than the minimum 40%

- **Entryway:** To allow the entrance on the west side of the building to extend 2 feet in front of the rest of the west façade instead of being recessed
- **Sidewalks:** To allow a 2 foot deviation so that the internal sidewalks are 6 feet rather than the require
- **Landscaping:** To allow the required 5 trees in the interior parking lots to instead be dispersed within the site boundaries
- **Screening:** To allow no screening in the parking area along Connie Avenue

In sum, Michele Ribant indicated that she has reviewed all the following Plans:

- SH.1 Existing Features Plan (10.15.09)
- CO.01 Proposed Site Demolition Plan (11.11.2009)
- C1.01 Proposed Site Plan & Details (11.11.2009)
- C1.02 Proposed Site Grading & Soil Erosion Plan & Details (11.11.2009)
- C2.01 Proposed Site Utilities Plan (11.11.2009)
- L1.01 Proposed Landscape Plan (11.11.2009)
- Lighting Luminare Schedule (Reviewed 11.20.09)
- A1.01 Preliminary Floor Plan (11.11.2009)
- A3.01 Preliminary Exterior Elevations (11.11.2009)

and has approved the plans since they are in compliance with the regulations in the Fremont Form-Based Code with the following conditions:

- Confirmation that the plantings at the corner of Main Street and Connie Avenue will not exceed thirty inches in height and the elimination of the fence and wall at this location
- Confirmation that all outdoor lights are cut-off fixtures and are metal halide fixtures
- Sign off by the Michigan Department of Transportation of the Plans
- A storm water management plan must be approved by the Newaygo County Drain Commissioner before a zoning permit can be obtained.

Unfinished Business

There was no unfinished business.

New Business

Chair Henry informed the Planning Commission that the 2010 Meeting Schedule was passed out for their review and information.

Commissioners' Discussion

There were no items of discussion by the Commissioners.

Staff Update

Michele Ribant reported that the plan for the Fremont Public High School will be provided to them either at the December 8, 2009 PC meeting or at the January 26, 2010 PC meeting.

Next Meeting

Fremont Planning Commission

December 8, 2009

Fremont City Hall

Council Chambers

4:00 PM

Adjournment

There being no further business of the Fremont Planning Commission, the meeting adjourned at 4:45 PM.