

**Minutes of the Planning Commission  
Of the City of Portland**

Held on Wednesday, March 11, 2020 at 7:00 P.M.  
In Council Chambers at City Hall

Portland Planning Commission Members Present: Grapentien, Fitzsimmons, Williamson, Hinds, Culp, Kmetz

Absent: Roeser

Staff: City Manager Gorman; City Clerk Miller

Guests: Sue Wang, Steve Vroman, Calvin Schrauben, Mike Hengesbach, Jon Moxey of Fleis & VandenBrink, Fernando Abudeye and James Barnwell of Desine, Inc.

Chair Grapentien called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Under Public Comment, Calvin Schrauben asked the Planning Commission where Portland is at with allowing cannabis facilities.

Member Kmetz stated they have been banned in the City of Portland until the State of Michigan finalizes the rules regarding these types of facilities.

Mr. Schrauben asked if there has been a change of mindset? Would the City consider allowing provisioning centers or delivery services?

Chair Grapentien noted they would like to hear his thoughts but are not prepared to have a discussion.

Member Kmetz stated the City is in a holding pattern at this time to see what the State of Michigan decides.

Mr. Schrauben asked that even though it is not allowed at this time, if the issue could be put on the ballot for residents to decide?

There was continued discussion.

Motion by Fitzsimmons, supported by Williamson, to approve the Amended Agenda to excuse Member Roeser.

All in favor. Approved.

Motion by Fitzsimmons, supported by Williamson, to excuse Member Roeser.

All in favor. Approved.

Motion by Williamson, supported by Culp, to approve the minutes of the December 11, 2019 meeting as presented.

All in favor. Approved.

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Chair Grapentien opened the Public Hearing to consider a request for a Special Land Use for the properties at 1433 E. Grand River Ave. and 159 Bristie St. to construct a Taco Bell fast food restaurant with drive-thru to be located in the C-3 Highway Commercial District.

City Manager Gorman noted that he has been trying to call the City's Zoning Consultant Paul LeBlanc, AICP of PLB Planning Group as he was planning to attend tonight's meeting.

Mr. Abudeye of Desine, Inc. provided an overview of the proposed Taco Bell project. He noted they have letters of intent to purchase with the owners of both properties' contingent on the approvals by the Planning Commission tonight.

Mike Hengesbach, resident of Portland, provided a history of his business relationship with the City of Portland. He stated his surprise to see another Taco Bell being developed in Portland when it has been tried before.

Member Kmetz noted that this is a different owner than the previous Taco Bell/KFC.

Mr. Hengesbach stated that Olivera's doesn't have adequate parking and that there are other places to locate this Taco Bell. He stated his feeling that this is a bad location and that traffic is a problem from Bristie St. to the traffic light at E. Bridge St. He recommended that a different location for the Taco Bell be considered. He also noted his irritation with the City of Portland for not addressing the problem.

Chair Grapentien closed the Public Hearing at 7:37 P.M.

Under New Business, City Manager Gorman stated the proposed resolution would defer Capital Improvement Planning to the City Council as permitted by the Michigan Planning Enabling Act. Like many other jurisdictions, the City of Portland Planning Commissions, historically has not performed Capital Improvement Planning as this planning is the responsibility of the City Council.

Motion by Kmetz, supported by Culp, to adopt the resolution approving the Planning Commission's recommendation to defer Capital Improvement Planning to City Council as permitted by the Michigan Planning Enabling Act.  
All in favor. Approved.

The Planning Commission considered the request for a Special Land Use for the properties at 1433 E. Grand River Ave. and 159 Bristie St. to construct a Taco Bell fast food restaurant with drive-thru to be located in the C-3 Highway Commercial District.

City Manager Gorman recognized Mr. Hengesbach's passion and noted that some of his points are valid; some of the issues he discussed will be addressed during tonight's meeting.

City Manager Gorman read through the Review Criteria for both the General Standards and Drive-through Restaurant Requirements from Mr. LeBlanc's memo.

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Under Drive-through Restaurant Requirements (2) Mr. LeBlanc notes per Section 42-408 addressing stacking spaces eleven stacking spaces are required; nine stacking spaces are shown on the site plan.

Mr. Moxey clarified that 2 of the diagonal parking spaces along the west side of the property are designated as stacking spaces which brings the total to eleven stacking spaces.

Chair Grapentien noted the standard is met with the required eleven stacking spaces.

Under Drive-through Restaurant Requirements (4) noting that setback areas shall be landscaped in accordance with Section 42-412 Mr. Le Blanc notes this standard can be met; suggesting more trees, including evergreens, should be incorporated in to the landscape and that low screen wall or shrubs or hedges at least three feet tall should be used to screen parked cars.

Mr. Abudeye addressed the landscaping issue, stating that although they feel they meet the requirements of the ordinance they will incorporate additional landscaping throughout the property. He noted that they will screen the area adjacent to Olivera's and will replace two existing evergreens along the west side of the property that require removal. This will bring the total to four evergreens along the west side of the property. The north side of the property adjacent to the R-4 Manufactured Home Community District has existing, mature evergreens. They are planning to add understory screening to this area.

Chair Grapentien asked Mr. Abudeye to provide additional screening between the proposed development and the residential area.

There was discussion if the proposed burning bushes would allow adequate screening.

Mr. Moxey suggested a small berm to make the smaller plantings "taller" until the shrubs mature.

Mr. Abudeye stated they could provide more plantings.

Member Culp asked if there is space for snow storage.

Mr. Abudeye stated there are extra parking spaces that snow can be pushed to for storage.

Mr. Abudeye clarified that Drive-through Restaurant Requirements (8) regarding a retaining wall and fence he stated that the existing fence along the north property line are on the neighboring property; they are not proposed.

Member Fitzsimmons stated his feeling that all items have been sufficiently addressed.

Motion by Fitzsimmons, supported by Culp, to approve the request for a Special Land Use for the properties at 1433 E. Grand River Ave. and 159 Bristie St. to construct a Taco Bell fast food restaurant with drive-thru to be located in the C-3 Highway Commercial District.

All in favor. Approved.

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City Manager Gorman confirmed that all of the Planning Commission members agreed that all of the criteria for the Special Land Use have been met.

Mr. Moxey provided information from his memo regarding the proposed Taco Bell development stating this project dramatically improve the pedestrian friendly nature of the property. Mr. Abudeye and his team were very receptive to comments from Fleis & VandenBrink in regard to the sidewalk and have made the suggested changes. There is a cross walk already located across Grand River Ave. on the Taco Bell side of Bristie St. as well as part of a cross walk on the other side of Bristie St. across Grand River Ave. One crossing at Bristie St. will be sufficient to prevent people from crossing everywhere.

The proposed plan includes the addition of new public storm sewer in the Bristie St. right-of-way to take the storm water north to the public storm sewer. Fleis & VandenBrink has asked for some refinement of the utility plans. The details are still being worked out. The overall concept is not expected to change but the layout likely will.

Mr. Moxey stated that Fleis & VandenBrink staff who work with traffic reviewed the results of the traffic study and concluded that the study did what was intended and looked at traffic flows on the site in relation to Grand River Ave. The net result, is that three uses are being combined into one use. Over a given day, there will be more traffic to the site but during the peak hour traffic should be lower.

Mr. Moxey further addressed the left turns from eastbound traffic on Grand River Ave. into Olivera's. As noted by the Police Chief, this is a problem. They working to develop options to mitigate this issue.

Mr. Moxey noted that the traffic study that was conducted does not address overall traffic on the Grand River Ave. corridor, which the City needs to have done, but addresses the ingress and egress to the proposed development.

There was further discussion regarding the crosswalk at Grand River Ave. and Bristie St.

Member Kmetz thanked Mr. Moxey for addressing the issues regarding traffic that were brought up during the Public Hearing and noted that the Planning Commission cannot control who is purchasing/developing property in the City of Portland. The role of the Planning Commission is to apply the ordinances that are in place.

Member Fitzsimmons stated that the proposed development cleans up a mess of driveways the same way the McDonald's project did. This development would have a huge impact on the area.

City Manager Gorman read through the criteria for the site plan review from Mr. LeBlanc's memo.

Under (d) regarding exterior lighting Mr. LeBlanc stated that the standard could be met with the relocation of a light pole on the north side of the property.

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Mr. Abudeye the photometric plan has been revised to address the noted light pole and includes internal louvers to control the lighting. Section 42-304 does not set limits at the property lines for lighting levels. He further stated that he doesn't believe moving the light pole would be beneficial to reduce the lighting levels to the adjacent properties. If moved as proposed the light would go north.

City Manager Gorman noted that lighting technologies allow for light to be directed downwards. If there is an issue with light pollution to the neighboring properties that City would ask them to address the problem.

Mr. Abudeye agreed there are methods to take care of lighting issues and they would work with the City to address whatever issues there might be.

Mr. Moxey stated his agreement that there are methods and types of lighting technology that can address issues that may arise and further noted that the photometric plan does not include the landscaping that is in place along the property line.

Under (e) regarding screening around the loading/unloading area Mr. LeBlanc stated that no screening is proposed.

Mr. Abudeye stated they will work with the City to add more landscaping.

There was also discussion regarding loading/unloading hours and the need for additional screening.

City Manager Gorman noted the Zoning Board of Appeals approved both of the required variances at their meeting on Monday, March 9, 2020.

City Manager Gorman confirmed with Mr. Abudeye that they are planning to erect a monument sign on the property rather than a pole sign.

Mr. Moxey noted that the developer has went above and beyond and plan to install stop signs at each exit even though not required.

Chair Grapentien asked if the Planning Commission members had any further questions.

There were none.

Motion by Kmetz, supported by Williamson, to approve the site plan to construct a Taco Bell fast food restaurant on the properties located at 1433 E. Grand River Ave. and 159 Bristie St. along with the deviations as enumerated on page 8 of the City Zoning Consultant's memo to the Planning Commission, specifically the stacking spaces, which meets the requirement, the deviation from the minimum 25% window coverage, and the deviation to allow extra parking spaces which provide space for stacking spaces and snow removal, and contingent on the combining of the two parcels into one through the City of Portland Assessor's office.

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All in favor. Approved.

Chair Grapentien thanked everyone for their hard work and the nice plan for the property.

Mr. Abudeye stated that the City's staff has been great to work with, it has been a good process and the City's engineers have been helpful as well. He expects construction to begin mid-summer with a 90-day construction period.

Under Planning Commission Member Comments, City Manager Gorman noted the City conducts the review of plans and developments very thoroughly. The City will be undertaking a corridor/traffic study.

Chair Grapentien stated the Planning Commission goal is to improve the City.

City Manager Gorman noted that he has received several comments from residents that are unhappy with the location of the new tobacco shop at the corner of Grand River Ave. and E. Bridge St. He stated that the business meets all local ordinances.

City Manager Gorman noted that he will shoot for April for the Planning Commission's Master Plan review and that he is working toward listing the property at Cutler Rd. and Grand River Ave. with a realtor.

Motion by Kmetz, supported by Williamson, to adjourn the meeting at 9:00 P.M.  
All in favor. Approved.

Respectfully submitted,

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Jason Williamson, Secretary