

AGENDA
WYOMING PLANNING COMMISSION
TUESDAY, NOVEMBER 18, 2014
7:00 P.M.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

APPROVAL OF AGENDA:

PUBLIC COMMENT ON NON- PUBLIC HEARING AGENDA ITEMS:

PUBLIC HEARINGS:

1. Request to rezone 15.1 acres from B-3 Planned Business to B-2 General Business. The properties are located at the southeast corner of Clyde Park Avenue and 44th Street. (Section 25) (4500 Clyde Park LLC and Wyoming Planning Department)
2. Request to rezone 16 acres from ER Estate Residential to R-4 Multiple Family (14 acres) and RO-1 Restricted Office (2 acres). The properties are located at the northwest corner of Wilson Avenue and 52nd Street. (Section 30) (American Kendall Properties LLC)
3. Request to amend Zoning Ordinance Section 90-69 to prohibit marijuana provisioning centers and marijuana safety compliance facilities. (Wyoming Planning Department)

NEW BUSINESS:

INFORMATIONAL ITEMS:

4. Zoning considerations – Southeast corner of Wilson Avenue and 56th Street
5. Zoning Ordinance reformat – Wade Trim consultant

PUBLIC COMMENT:

ADJOURNMENT:

WYOMING PLANNING COMMISSION
AGENDA ITEM
NO. 1

DATE DISTRIBUTED: November 6, 2014
PLANNING COMMISSION DATE: November 18, 2014

ACTION REQUESTED: Request to rezone 15.1 acres from B-3 Planned Business to B-2 General Business

REQUESTED BY: 4500 Clyde Park LLC and Wyoming Planning Department

REPORT PREPARED BY: Timothy Cochran, City Planner

GENERAL LOCATION DESCRIPTION:

The properties are located at the southeast corner of Clyde Park Avenue and 44th Street. (Section 25)

EXISTING ZONING: The property is zoned B-3 Planned Business. Surrounding properties are zoned as follows:

North: B-2 General Business (across 44th Street)
South: I-1 Light Industrial
East: I-2 General Industrial (across U.S. 131)
West: B-2 General Business, R-6 Mobile Home Residential and I-1 Light Industrial (across Clyde Park Avenue)

EXISTING LAND USE: The proposed rezoning area is primarily vacant, having an obsolete shopping center removed a few years ago. The overall rezoning area also includes a vacant bank building, a Pizza Hut restaurant and an automotive repair facility. Land uses surrounding the property follows:

North: Various commercial and restaurant uses (across 44th Street)
South: Trucking transport company
East: Industrial (across U.S. 131)
West: C-Store and a mobile home park (across Clyde Park Avenue)

PROPOSED REZONING:

4500 Clyde Park LLC proposes to rezone the site to accommodate a multi-use retail center. The centerpiece would be Fox Powersports, initially a 50,000 sq. ft. facility providing motorcycles, atvs, snowmobiles, etc... In addition, an Extended Stay Hotel and a gasoline/convenience (C-Store) are also intended. Two other development areas are shown, with undetermined uses.

as yet undetermined uses.

Although all proposed uses are commercial, they are not all permitted within the existing B-3 Planned Business district. Fox Powersports (outdoor display and sales) and the C-Store are both Special Approval Uses in a B-2 General Business district. In addition, the B-3 district has a minimum lot size of 5 acres with a minimum lot width of 300 feet. The overall property is intended to be divided into smaller parcels. The B-2 district has a minimum lot size of 6,500 sq. ft. with a minimum lot width of 65 feet. The smaller parcel size/width of the B-2 district is accommodating to the desired land division plans. The B-2 General Business district is appropriate for the development intentions on this site.

With the proposed rezoning by 4500 Clyde Park LLC, the Development Review Team determined that the rezoning request should be expanded to include two adjoining properties that are also zoned B-3 Planned Business. Those two properties are Auto Care Express at 4629 Clyde Park Avenue and Pizza Hut at 700 44th Street. If the property controlled by 4500 Clyde Park LLC is rezoned, it would leave the two remnant parcels with incompatible zoning at this corner. The Auto Care Express business is a permitted use in a B-2 district, and was allowed in this B-3 district through a use variance from the Board of Zoning Appeals in 1990. The Pizza Hut restaurant is a permitted use in both the B-3 and B-2 districts. Both properties are below the minimum 5 acres and 300 feet of lot width requirement of the B-3 district, but would conform with the B-2 districts size/ width requirements.

If the rezoning is approved, individual requests for Special Use and Site Plan Approvals for each development would be submitted for review and approval to the Planning Commission.

STAFF COMMENTS:

1. The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies this site (attached) as being appropriate for Community Commercial purposes. The Land Use Plan goes further by stating:

“5. Redeveloping the southeast corner of 44th and Clyde Park using contemporary planning principals such as: blended land uses that may include lodging, retail, and services (including restaurants and/or entertainment venues), buildings and parking lots that are adequately set back from the rights-of-way; a streetscape that includes a landscaped front yard, street trees, low hedges or earth berms to screen vast parking areas, and buildings that contain windows facing the street which minimize blank unadorned facades.”

“6. Discouraging subdivision of the property unless part of a comprehensive redevelopment proposal.”

“7. Establishing access management techniques such as inter-connected parking lots, minimum curb spacing requirements, shared access, and full-turn access limited to key locations.”

The Master Site Plan provided for this rezoning conforms with the recommendations of the Land Use Plan. As individual site plan proposals come forward, details involving parking lot screening, landscaping and building facades will be given greater attention.

2. The other three corners of this intersection are zoned B-2 General Business. The proposed B-2 General Business zoning at this southeast corner would be complimentary with that zoning pattern.

3. The City of Wyoming 2035 Thoroughfare Plan showed a 2009 daily traffic volume of 29,600 trips on 44th Street, with 14,500 trips on Clyde Park Avenue, adjoining this property. The volumes are projected to increase by 2035 to 32,900 trips on 44th Street and 16,200 trips on Clyde Park Avenue. These traffic increases are partly in anticipation of the redevelopment of this rezoning site. The projected 2035 traffic volumes can be accommodated under the current street design with a volume/capacity ratio of less than 0.7. However, traffic stacking for access into this site is a concern. A Traffic Impact Analysis is being developed to address this. If the TIA identifies that off-site traffic improvements are needed, it may be reasonable for the developer to undertake those in conjunction with site development. The Master Site Plan also identifies driveways that are suitably located for the benefit of all the intended businesses. These locations have been endorsed by the Engineering Department.

4. A voluntarily submitted Development Agreement (attached) has been offered. This agreement commits the developer to general compliance with the Master Site Plan presented, location of the driveways for overall site access management, and responsibility for any off-site access improvements deemed appropriate. These commitments will ensure to the City that the development will occur as presented.

CONFORMANCE WITH THE CITY OF WYOMING SUSTAINABILITY PRINCIPLES:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed rezoning will allow for the redevelopment of this corner into an integrated commercial center. The overall development will be an enhancement to the economic and social strengths of the City through substantial employment and added tax base. The redeveloped site will provide for appropriate storm water management techniques which will improve the environment on this cleared commercial site. The proposed rezoning conforms to the City of Wyoming sustainability principals.

STAFF RECOMMENDATION:

The Development Review Team suggests the Planning Commission recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner.

DEVELOPMENT REVIEW TEAM:

Barb VanDuren, Deputy City Manager
Rebecca Rynbrandt, Director of Community Services
William Dooley, Director of Public Works
Jim DeLange, Chief Building Official
James Carmody, Director of Police and Fire Services
Tim Cochran, City Planner

4500 Clyde Park, LLC
PO Box 1029
Saugatuck, MI 49453

Mr. Tim Cochran
City of Wyoming
Planning & Development
1155-28th Street SW
Wyoming, MI 49509

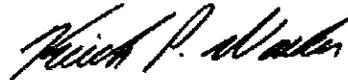
Re: 4500 Clyde Park LLC

Dear Mr. Cochran:

We have submitted a rezoning request for property at the southeast corner of 44th and Clyde Park. In accordance with section 405 of the Michigan Zoning Enabling Act, 4500 Clyde Park, LLC as the owner makes the following voluntary offers as a condition to rezoning the property by the City of Wyoming:

1. General compliance with the Master Site Plan dated October 16, 2014. Development of lots B and C, due to unknown users at this time, shall be integrated in design and access with the overall Plan. Site plans for all individual projects shall meet City requirements.
2. Restricting the property to the proposed curb cuts shown on the Master Site Plan unless amended through mutual agreement with the City.
3. Petitioner agrees to modify existing medians in the public streets if such improvements are justified by the traffic impact study and desired by the City and developer to improve site accessibility and overall traffic flow.
4. Develop the overall project site with required irrigated landscaping buffers along 44th and Clyde Park frontages in a manner consistent with other similar projects of this size and scope in the City.

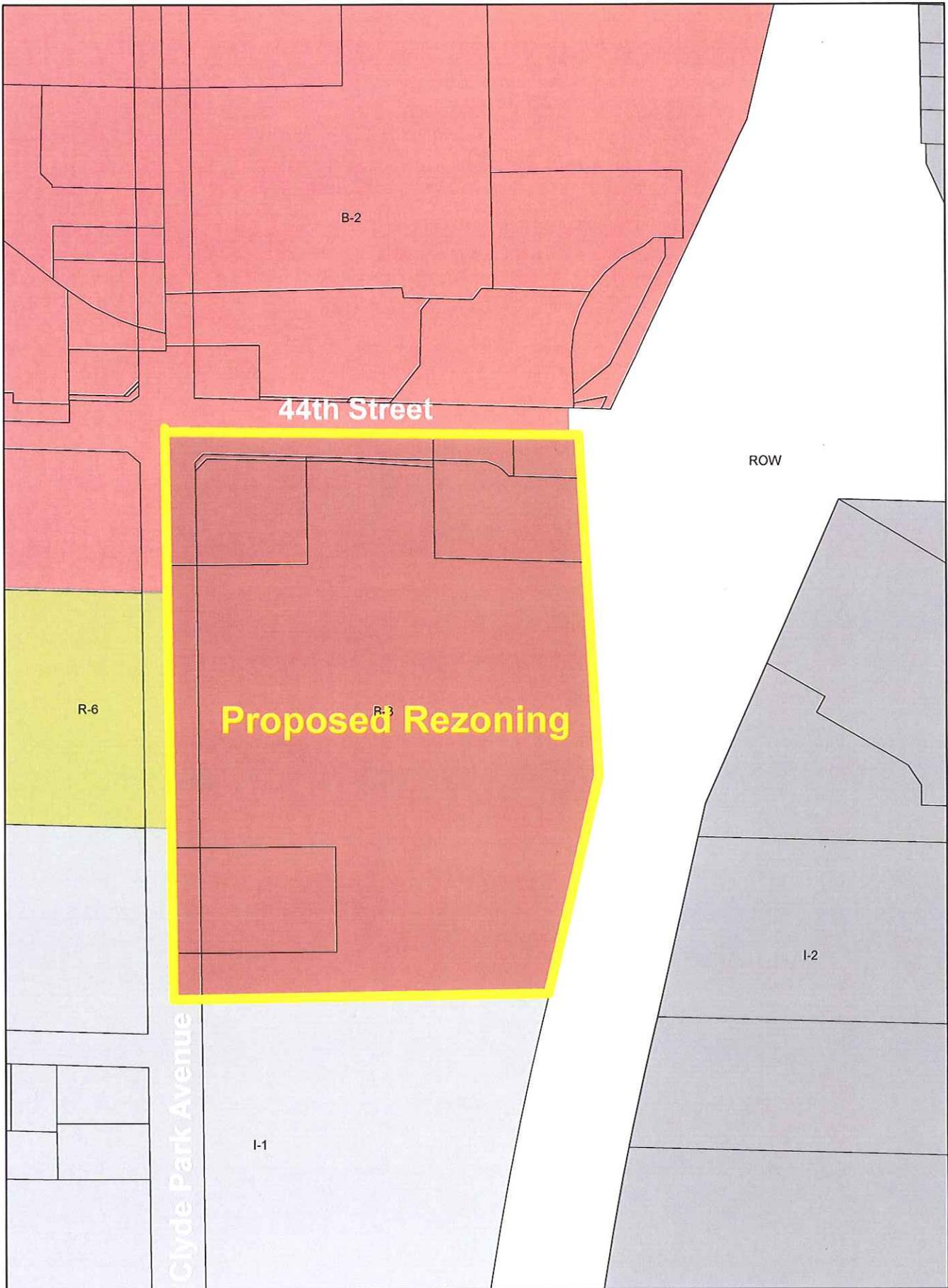
Very truly yours,



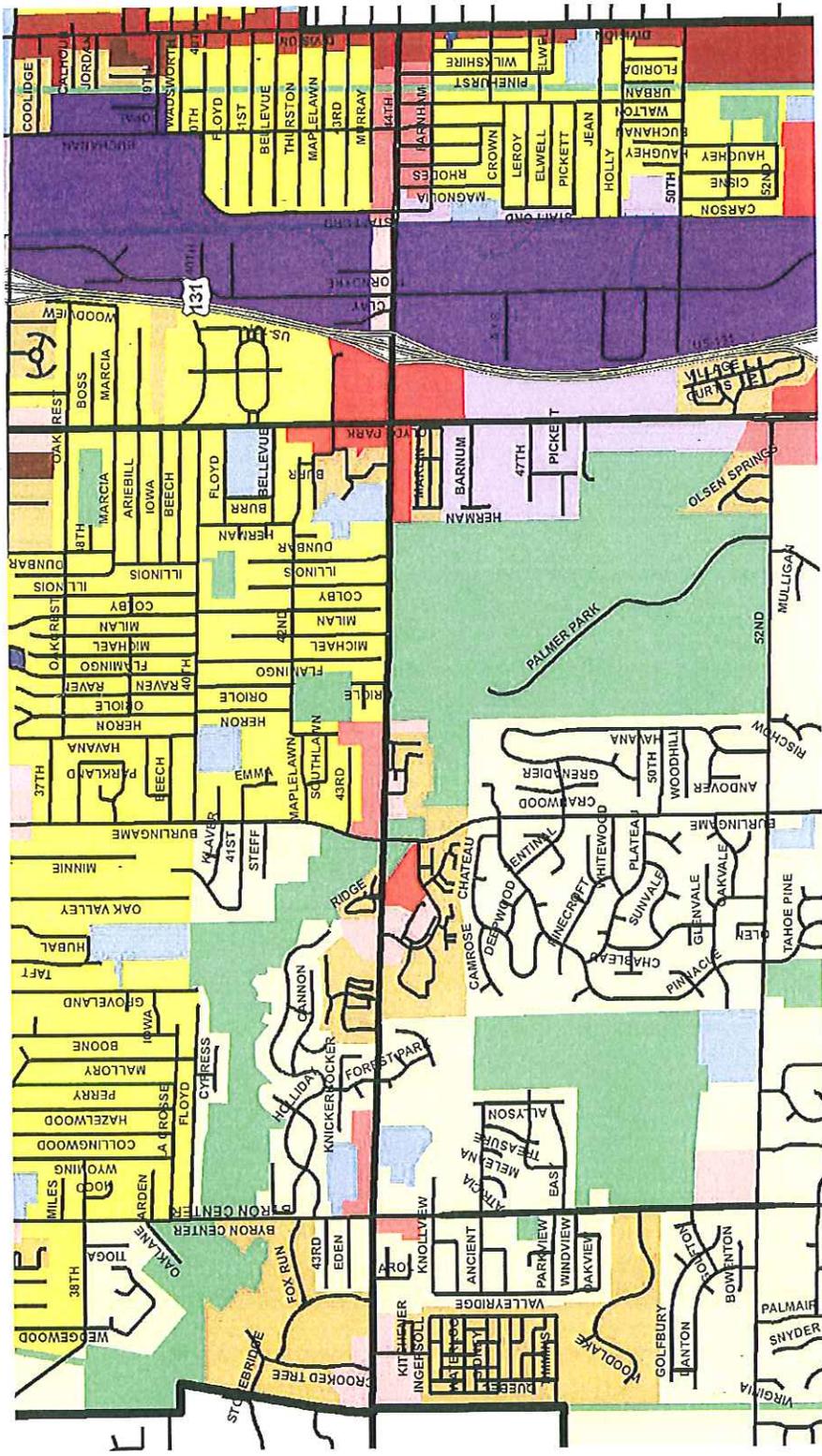
Keith P. Walker, Manager

KPW/jit
cc: Steve Fry
Jack Barr
David Rapp

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FUTURE LAND USE CITY OF WYOMING LAND USE PLAN 2020



Future Land Use Categories

- Low Density Residential (up to 3.5 units/acre)
- Mixed Residential (up to 4 units/acre)
- Low-Medium Density Residential (3.5 to 6 units/acre)
- Medium-High Density Residential (6 to 16 units/acre)
- High Density Residential (16+ units/acre)
- Neighborhood Commercial
- Office Service
- Community Commercial
- Downtown Center

- Mixed Use
- Division Avenue Commercial
- Medical Village
- Business Industrial
- General Industrial
- Parks & Open Space
- Schools
- City Buildings

44th Street Corridor

Future Land Use

City of Wyoming
Kent County, MI

LSI Planning, Inc.
Data Sources:
REGIS
Michigan Center for Geographic Information

Recommendations

- A. No additional commercial development should be permitted along 44th Street except for limited residential to office conversions, or new residentially scaled offices east of US - 131 and the redevelopment of existing commercial at Clyde Park Avenue/44th Street.
- B. New residential opportunities are limited; however, where potential exists, or in the case of redevelopment, it should be fully integrated with the character of the surrounding neighborhood.
- C. Improve and reinvigorate the 44th and Clyde Park commercial area and strengthen this key community entrance by:
 - 1. Encouraging the conversion of light industrial to commercial land uses near the intersection of 44th and Clyde Park.
 - 2. Promoting a development pattern that highlights and reinforces the intersection as an architectural gateway by siting buildings closer to the right-of-way with parking located either to the side or behind buildings.
 - 3. Softening the transition from commercial to light industrial by requiring appropriate site design and landscape standards to screen service and maintenance areas, landscape parking lots and promote architectural design that minimizes blank, expansive walls and locates office areas at the street side of a building.
 - 4. Supporting the redevelopment of marginally performing strip development with specialty retail, service or small-scale live/work units.
 - 5. Redeveloping the southeast corner of 44th and Clyde Park using contemporary planning principles such as: blended land uses that may include lodging, retail, and services (including restaurants and/or entertainment venues), buildings and parking lots that are adequately set back from rights-of-way; a streetscape that includes a landscaped front yard, street trees, low hedges or earth berms to screen vast parking areas; and buildings that contain windows facing the street which minimize blank unadorned facades.
 - 6. Discouraging subdivision of the property unless part of a comprehensive redevelopment proposal.
 - 7. Establishing access management techniques such as inter-connected parking lots, minimum curb spacing requirements, shared access, and full-turn access limited to key locations.

WYOMING PLANNING COMMISSION
AGENDA ITEM
NO. 2

DATE DISTRIBUTED: November 6, 2014
PLANNING COMMISSION DATE: November 18, 2014

ACTION REQUESTED: Request to rezone 16 acres from ER Estate Residential to R-4 Multiple Family (14 acres) and RO-1 Restricted Office (2 acres)

REQUESTED BY: American Kendall Properties LLC

REPORT PREPARED BY: Timothy Cochran, City Planner

GENERAL LOCATION DESCRIPTION:

The property is located at the northwest corner of Wilson Avenue and 52nd Street. (Section 30)

EXISTING ZONING: The property is zoned ER Estate Residential. Surrounding Properties are zoned as follows:

North: B-3 Planned Business
South: RO-1 Restricted Office and PUD-1 Low Density Planned Unit Development (across 52nd Street)
East: ER Estate Residential (across Wilson Avenue)
West: ER Estate Residential

EXISTING LAND USE: The proposed rezoning area is primarily undeveloped, with two single family residences. Land uses surrounding the property follows:

North: Undeveloped
South: PNC Bank and single family residences (across 52nd Street)
East: Single family residences (across Wilson Avenue)
West: Jehovah's Witness Church, creek and undeveloped property

PROPOSED REZONING:

The petitioners desire to construct an apartment complex of up to 208 units on 14 acres. In addition, a two acre parcel at the corner of the street intersection would be rezoned to permit either an office or bank facility. The developer has acknowledged and concurs with the City staff's desire to ensure a high quality residential development at this significant intersection. To this end, the petitioner has voluntarily offered to enter into a development agreement (attached) as a condition of rezoning. If adopted by the City Council, the development agreement would guarantee that only the proposed project would occur. With approval of the rezoning, a detailed

site plan for construction of the project will then be submitted for approval to the Planning Commission.

The apartment development would be comprised of one, two and three bedroom units in three story structures. Units will have attached or detached garages. The units will extend from front to back of the building. Rents will range from \$850 to \$1350 per month. The buildings will be articulated, with a façade to a large degree composed of high quality cement fiber instead of vinyl. The buildings are oriented with the narrower building wall facing the streets to diminish their visual impact. A clubhouse overlooking the pond is proposed. Berming, with significant landscaping, will occur along the street frontages. The wetland area along the creek will remain undisturbed with this development. The proposed driveways to the public streets have been approved through the Engineering Department. A Traffic Impact Analysis, to demonstrate to what extent curbs and stacking lane changes will be needed on Wilson Avenue to accommodate the development, will be required at the time of site plan review.

STAFF COMMENTS:

1. The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies this site (attached) as being appropriate for Medium-High Residential with up to 16 dwelling units per acre. The proposed apartment development is shown at up to 13.9 dwelling units per acre. The overall intent of the Land Use Plan is to provide for a mix of commercial, office and multi-family residential developments along the frontage of Wilson Avenue, with single family subdivisions behind. This concept was derived from the extensive commercial development surrounding the Rivertown Mall at the north end of Wilson Avenue, and the anticipated substantial commercial/office development that will occur at the M-6 interchange at the south end. The property abuts the Costco development to the north. The Land Use Plan also recommends the numerous residential properties along the east side of Wilson Avenue and north of 52nd Street as being appropriate for office development. The proposed rezoning and conceptual development plan generally complies with the adopted Land Use Plan. The proposed two acre RO-1 zoning does not comply. However, such zoning would be compatible with the e RO-1 zoning at the southwest corner of the intersection, and the planned office zoning on the east side of Wilson Avenue.
2. Under the current ER Estate Residential zoning, the property could be developed as a single family subdivision with lot sizes of a minimum 10,000 square feet. The property would be difficult to develop as a subdivision given the creek on the west side, the pond in the center and the triangular shape of the property. Approximately 30 lots may be possible, but many would back directly to Wilson Avenue.
3. The adopted Analysis of Impediments and Housing Needs Assessment 2013 identified that the City of Wyoming's "panhandle" would be desirable for new rental housing (see attached). The analysis determined that new rental housing would address an unmet demand in the market place. It was also identified that new apartment complexes should fit with the character of surrounding

neighborhoods.

4. The City of Wyoming 2035 Thoroughfare Plan showed a 2009 daily traffic volume of 17,800 trips on Wilson Avenue, with 5700 trips on 52nd Street, adjoining this property. The volumes are projected to increase by 2035 to 24,500 trips on Wilson Avenue and 7600 trips on 52nd Street. The projected 2035 traffic volumes can be readily accommodated under the current street design with a volume/capacity ratio of 0.7.

CONFORMANCE WITH THE CITY OF WYOMING SUSTAINABILITY PRINCIPLES:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

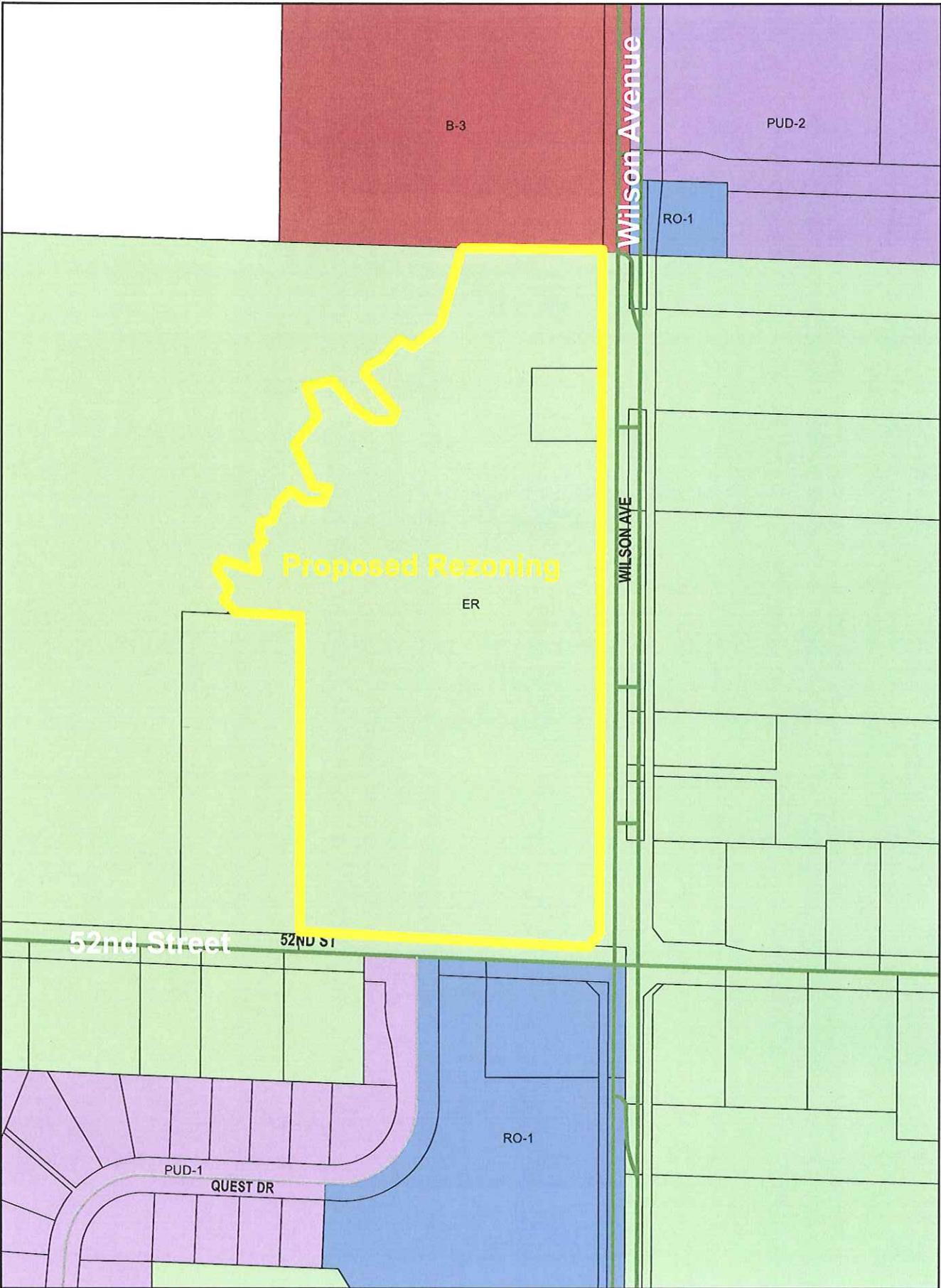
The proposed rezoning will provide for a quality residential development in keeping with the emerging character of Wilson Avenue. The residential development will contribute to the economic and social strength of the City by creating quality rental housing in an area of community need. The apartment complex design is highly functional and respectful of the adjoining creek and wetlands. This development will result in less reconfiguration of the property than would occur with a conventional subdivision. The proposed rezoning conforms to the City of Wyoming sustainability principals.

STAFF RECOMMENDATION:

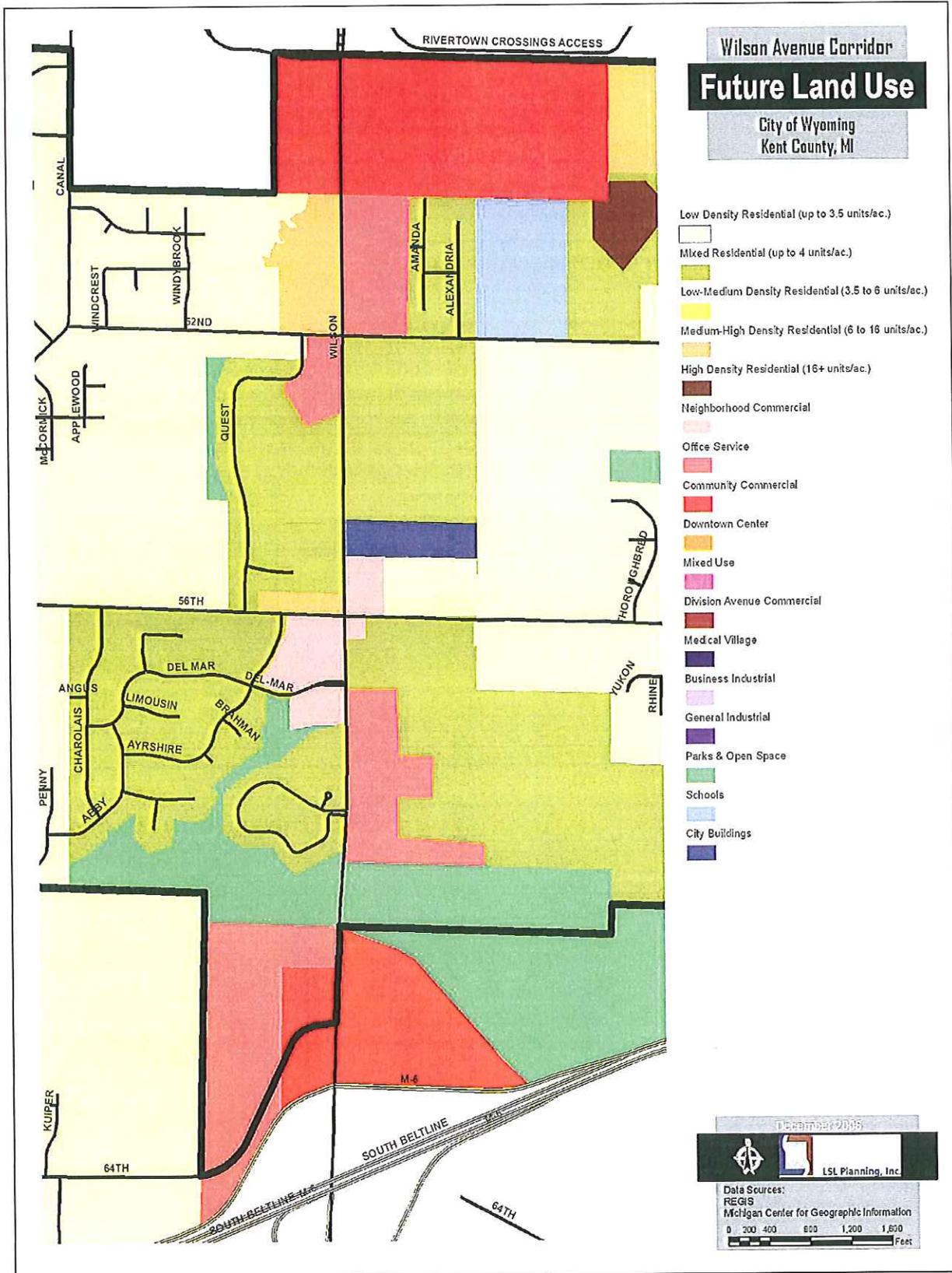
The Development Review Team suggests the Planning Commission recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner.

DEVELOPMENT REVIEW TEAM:

Barb VanDuren, Deputy City Manager
Rebecca Rynbrandt, Director of Community Services
William Dooley, Director of Public Works
Jim DeLange, Chief Building Official
James Carmody, Director of Police and Fire Services
Tim Cochran, City Planner



FUTURE LAND USE
CITY OF WYOMING LAND USE PLAN 2020



Recommendations

Wilson Avenue is the latest roadway corridor in Wyoming to be reconstructed as a boulevard. One result of a boulevard design is a reduction in left turn movements, which can enhance traffic flow and increase capacity. The fact that Wilson Avenue will be configured as a boulevard, with limited full turn access, also helps control the spread of commercial development while creating a more hospitable atmosphere for residential.

A boulevard will create a tree-lined corridor with few driver distractions (i.e. driveways, signs, etc.) and land uses that are separated from the roadway with ample setbacks and well-vegetated earth berms. This type of configuration is an appropriate setting to support residential growth while offering convenient access to a major arterial roadway and the M-6 freeway.

Commercial Development (including retail and office components) should be consistent with the following guidelines:



- A. Limit commercial to areas that are already developed, currently developing, or near the M-6 interchange.
- B. Encourage comprehensively designed development projects, especially those of a larger size and scale using a planned unit development approach.
- C. Accommodate planned office service and commercial development at the northwest corner of the M-6 interchange and general commercial development at the northeast corner, utilizing wetlands and other existing natural features near the south city line to prevent commercial expansion to the north.
- D. Plan for new neighborhood commercial development and reuse at 56th and Wilson Avenue.
- E. Accommodate planned office uses at Wilson and 52nd.
- F. Provide automobile access to businesses via cross streets (52nd and 56th) or indirect left turns from Wilson Avenue.
- G. Establish site and architectural design standards to help guarantee desirable commercial development.

Residential Development

Residential development of varying densities and design should be located within the corridor.

- A. Encourage comprehensively designed development projects, especially those of a larger size and scale using a planned unit development approach.
- B. Mixed and medium-high density residential should be permitted along the entire length of the corridor. The highest development densities should be located at the north end, serving as a transition away from the Multi-Commercial Use development associated with the Rivertown Crossings commercial area.
- C. To improve traffic flow and enhance traffic safety, discourage direct access to Wilson Avenue while promoting interconnected roads that link with secondary streets.
- D. Require deeper setbacks (i.e. 50 to 100 feet) along Wilson Avenue to enhance the separation of land uses from the roadway and to provide ample space for buffers and parking lots.
- E. Buildings should be well designed and have consistent architectural treatments on all sides, especially when they are visible from Wilson.
- F. The rear yards of single-family homes that abut Wilson Avenue should be screened from view with landscaping, walls, fences and/or earth berms.

Natural Features

Because of extensive wetlands and woodlots all development should incorporate, conserve, and enhance natural features. Natural features should be viewed as amenities that enhance development character, benefit intended users, and improve the overall quality of community life. Interconnected off-street pedestrian/bike paths should be provided whenever possible, though on-street paths may be necessary in already developed neighborhoods.

The “Panhandle”

Wyoming’s “Panhandle” area (the part of the city south of the City of Grandville), is the most recent part of the city to be developed and is a popular and desirable area for housing, especially because of the well-regarded Grandville School District. Prior to the housing crash in 2008, most of the development in the area was single family subdivisions for owner-occupied homes. Because of the economic crisis, many new subdivisions were un-completed, although new homes have begun to be built in the vacant lots in recent years.

Because of the changes in the housing market, developers have started to propose new rental housing rather than owner-occupied properties. This fits with the unmet demand for Modern Large Lot rentals calculated in the Housing Needs Analysis. The city is working with these developers from a zoning standpoint to permit the new apartment complexes while ensuring that they fit with the character of surrounding neighborhoods.

Figure VI.6: Potential Development Site at 52nd Street and Wilson Avenue



WYOMING PLANNING COMMISSION
AGENDA ITEM
NO. 3

DATE DISTRIBUTED: November 6, 2014
PLANNING COMMISSION DATE: November 18, 2014

ACTION REQUESTED: Request to amend Zoning Code Section 90-69
prohibit marijuana provisioning centers and
marijuana safety compliance facilities.

REQUESTED BY: Wyoming Planning Department

REPORT PREPARED BY: Timothy Cochran, City Planner
Jack Sluiter, City Attorney

PROPOSED AMENDMENTS:

On December 12, 2013, House Bill 4271 was passed by the Michigan House. The Bill is currently pending in the State Senate. The Bill as passed allows for Medical Marijuana Dispensaries (called provisioning centers) and Medical Marijuana Testing Facilities (called safety compliance centers). The Bill as passed by the House allows for municipalities to prohibit both types of facilities but also provides that a facility in operation as of the effective date of the final Act is grandfathered and cannot be prohibited.

The City has no known such facilities in operation. The proposed Zoning Code amendment is proactive to ensure that provisioning centers and safety compliance centers will not be established within the City.

The City Attorney has also prepared a companion ordinance amendment to Chapter 14 Business Regulations that will also prohibit such facilities. That amendment is reviewed only by the City Council, and obtained first reading approval on October 20, 2014.

PROPOSED ORDINANCE AMENDMENT:

Section 90-69 Medical marijuana facilities.

Medical marijuana provisioning centers and medical marijuana safety compliance facilities as defined in Chapter 14 of this Code or any other facility to distribute medical marijuana shall not be allowed in any zone in the City. This section shall not apply to a location used by a primary caregiver to assist a qualifying patient as allowed in the Michigan Medical Marijuana Act as amended.

PLANNING COMMISSION ACTION:

The Development Review Team suggests the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-69 Medical marijuana facilities.

DEVELOPMENT REVIEW TEAM:

Barb VanDuren, Deputy City Manager
Rebecca Rynbrandt, Director of Community Services
Bill Dooley, Director of Public Works
James E. Carmody, Director of Police and Fire Services
Jim DeLange, Chief Building Official
Tim Cochran, City Planner