

AGENDA  
WYOMING PLANNING COMMISSION  
TUESDAY, AUGUST 19, 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 for Special Use Approval (drive through restaurants) for Wyoming Village Pad Site. The property is located at 1216-28<sup>th</sup> Street SW. (Section 14) (Continental Construction) (Includes Site Plan Approval)

NEW BUSINESS:

2. Request to amend the Planning Commission Rules of Procedure.

INFORMATIONAL ITEMS:

3. Lawns, Gardens and Water Efficient Landscaping Ordinance.

PUBLIC COMMENT:

ADJOURNMENT:

WYOMING PLANNING COMMISSION  
AGENDA ITEM  
NO. 1

DATE DISTRIBUTED: August 7, 2014  
PLANNING COMMISSION DATE: August 19, 2014

ACTION REQUESTED: Request for Special Use Approval (drive through restaurants) for Wyoming Village Pad Site.  
(Includes Site Plan Approval)

REQUESTED BY: Continental Construction

REPORT PREPARED BY: Timothy Cochran, City Planner

GENERAL LOCATION DESCRIPTION:

The property is located at 1216-28<sup>th</sup> Street, SW. (Section 14)

EXISTING ZONING:

The property is zoned Form Based Code and is within the Corridor Center context area.

EXISTING LAND USE:

The building site is part of the parking lot serving the Wyoming Village Plaza. Land uses surrounding the property follow:

North: Drive through restaurants (across 28<sup>th</sup> Street)  
South: Wyoming Village Plaza  
East: Bank of America  
West: Wyoming Village Plaza

PROJECT CONTEXT:

This development site is located within the recently adopted Form Based Code zoning district, specifically the Corridor Center context area. The Corridor Center area extends from the north side of the planned crescent street to 28<sup>th</sup> Street (see attached). New construction along the crescent street is required to have a zero setback along the right-of-way. The 28<sup>th</sup> Street frontage is required to provide a 25 foot greenbelt, with new construction fronting at the edge of the greenbelt. The placement of buildings at these edges would then allow for the interior space to be used for parking to serve the businesses.

The Meyer C. Weiner Company, owners of Wyoming Village Plaza, are moving forward with redevelopment plans for the overall property. The plans include the demolition of the north wing of the Plaza that extends out to 28<sup>th</sup> Street. The small offset commercial building on the west end of the property and the office building on Prairie Parkway are also proposed for demolition. The initial desired new construction is this proposed 5300 square foot pad site with related greenbelt and parking lot improvements. The intended second phase of construction would be a substantial addition to the Plaza extending west. The final plans are in development and have not been submitted for approval.

The foundation of the 28<sup>th</sup> Street corridor redevelopment vision (28 West), and the regulating Form Based Code, is the construction of the crescent street through Rogers Plaza, Wyoming Village Plaza and Studio 28. The City Engineering Department has made the commitment to allocate up to 1 1/2 million dollars to contribute to the construction the crescent street west from Michael Avenue, through Wyoming Village Plaza and Studio 28, to 28th Street. This would be one-half of the desired overall crescent street length. Funds will be available in 2015. Essential to the development of the crescent street is willing participation by the property owners. Public right-of-way, either by outright purchase or highway easement, is needed. The street will have a profound impact on land uses and their function along it. Public and private utilities, storm water management, and construction elevations, will need to be coordinated between the City and the property owners.

The Meyer C. Weiner Company has determined that the adopted crescent street cross section may be too impactful for their development in the foreseeable future. The required street cross section (attached) includes a 110 foot wide ROW, four through lanes, two bike lanes, parallel parking and wide sidewalks. Meyer C. Weiner has shown exceptional willingness to work with the City to find a solution to construct a crescent street that would be more compact, compatible, and beneficial, with their development interests. To address this, staff and the owners have been engaged in developing a reduced crescent street cross section that would include two through lanes, angled parking and wide sidewalks. Such a design is common in historical downtowns and is attractive to many retailers. Of additional benefit is the ability to construct the slimmed down street without obtaining additional outside funding. The additional cost for the planned crescent street cross section could be upwards of a million dollars more. It is anticipated that this revised crescent street design will be completed in the near future for Planning Commission and City Council consideration. An amendment to the Form Based Code would be required to revise the crescent street design. To date, the Studio 28 ownership has also been receptive. With acceptance by the City and property owners, the street design would proceed to construction drawings.

The City and Meyer C. Weiner are engaged in a public-private partnership to construct the crescent street. The proposed Wyoming Village Pad Site is an essential first phase of the redevelopment of the overall property. The project would install the 25 foot greenbelt along 28<sup>th</sup> Street and would provide for the redevelopment of the adjoining parking areas for an enhanced entryway, reconfigured parking and drive aisles and landscaped islands. The building appearance would comply with the requirements for retail buildings in the Form Based Code.

PROPOSED LAND USE:

The petitioner proposes to construct a 5300 sq. ft. building that would accommodate two drive-through restaurants with an additional center tenant. The two intended restaurants are Dunkin Donuts and Jimmy Johns. The proposed drive through restaurants are allowable by Special Use Approval from the Planning Commission in this FBC district. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed new pad building incorporating the two drive-through restaurants will be a significant improvement to this area. It would replace a parking lot with a building that would adhere with many of the desired standards of the Form Based Code. The reinvestment in this area, the launching of the 28 West redevelopment plan on this essential property, the landscaping and parking improvements, will all have profound positive effects on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. Nearby to this site are McDonald's, Burger King and Biggby Restaurants all with drive through lanes. The proposed drive-through restaurants are consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The site will gain access to the public streets from existing driveways serving the Wyoming Village Plaza. No adverse traffic impacts on the streets or any buildings are anticipated.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed restaurants will replace an underused parking lot. The redevelopment project will infuse new investment into an area of high importance. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed restaurant uses appear financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

The proposed dual drive through design is unusual. It effectively establishes a circular driving pattern around the building. The two uses, Dunkin Donuts and Jimmy Johns, have different peak operation times. Any traffic conflicts would be limited to around the building and would not impact adjoining properties or 28<sup>th</sup> Street.

- g. That all other provisions of this chapter are met.

The project will require several variances from the Board of Zoning Appeals that will be addressed under the site plan review.

Staff has the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department.
2. Variances from the Board of Zoning Appeals are required to allow this design. Zoning Code Section 90-1403 1.0 requires the building to be set at the edge of the 25 foot greenbelt along 28<sup>th</sup> Street. The building is setback 53 feet from the planned greenbelt. Section 90-1709 5.0 C allows drive through lanes only in the rear yard of properties. Two drive through lanes, located in the front and side yards, are proposed. Section 90-799-2 does not permit drive through menu boards in the front yard or visible from public streets. The front yard drive through lane would need a menu board. Staff support will support the authorization of the variances.
3. The attached landscape plan shows extensive plantings throughout the development. The landscape plan is adopted as part of this site plan approval.
4. The proposed building façade incorporates extensive glass with brick and stone veneers. It complies with the Form Based Code requirements and is acceptable.

#### 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.

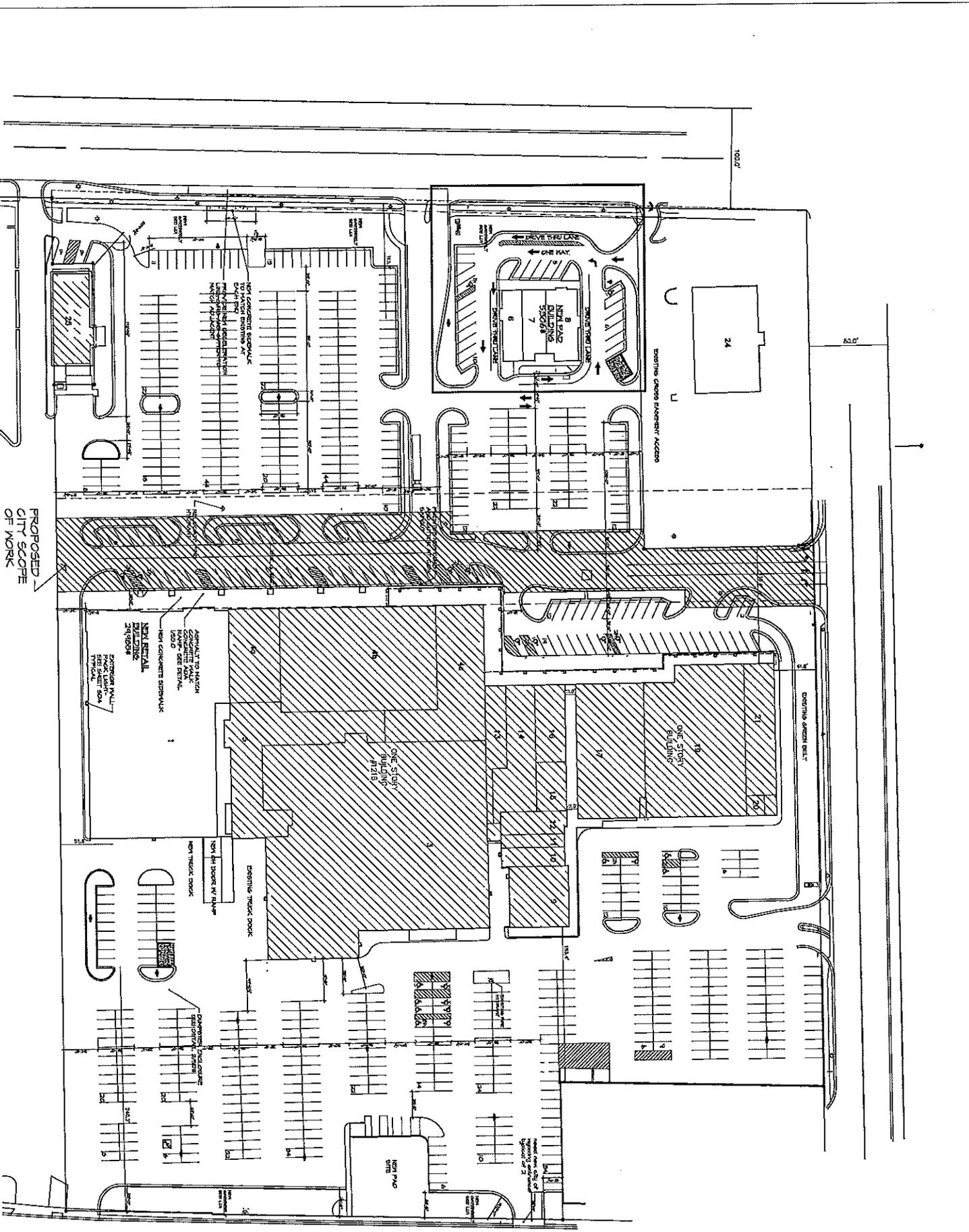
The proposed pad building is a pivotal first step in the redevelopment of this major retail center. It will provide much needed investment in this area of 28<sup>th</sup> Street and will provide many new jobs for area residents. The project will especially contribute to an overall vibrant community by substantially advancing the 28 West redevelopment plan. The proposed Wyoming Village Pad Site conforms to the City of Wyoming sustainability principals.

**STAFF RECOMMENDATION:**

The Development Review Team (DRT) recommends the Planning Commission grant Special Use Approval for Wyoming Village Plaza Pad Site per staff's Findings of Fact. The project greatly advances the overall redevelopment plans for the Wyoming Village Plaza, sets the stage for construction of the crescent street, provides the desired 28<sup>th</sup> Street greenbelt and would establish a new building in the center of the FBC district with the preferred architectural appearance. In a separate motion, the DRT recommends granting Site Plan Approval subject to conditions 1-4 noted.

**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



PROPOSED CITY SCOPE OF WORK

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ONE STORY BUILDING #2118

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EXISTING GREEN BELT

EXISTING TRUCK DOCK

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**DIVISION 8**

**THOROUGHFARE TYPES : 90-1806 AVENUE AV-110-66-C**

**TABLE 90-1806 THOROUGHFARE ATTRIBUTES**

THOROUGHFARE TYPE:	AVENUE WITH MEDIAN
CONTEXT AREA ASSIGNMENT:	CC / CU / CG (CRESCENT STREET AREA ON PLAN)
RIGHT-OF-WAY WIDTH:	110 FEET
PAVEMENT WIDTH:	62 FEET
MOVEMENT:	FREE MOVEMENT
TRAFFIC LANES:	(2) 11 FOOT WIDE LANES
PARKING LANES:	6'-6" WIDE PARALLEL BOTH SIDES
MEDIAN:	REQUIRED LANDSCAPED CENTER MEDIAN
WALKWAY TYPE:	21'-6" WIDE SIDEWALK
PLANTER TYPE:	5'-0" x 5'-0" TREE WELL OR RAISED PLANTER
CURB TYPE:	CONCRETE HIGH-BACK CURB AND GUTTER
LANDSCAPE TYPE:	TREES AT 50 FEET ON CENTER (AVERAGE)
MULTIMODAL PROVISIONS:	5'-0" WIDE BIKE LANES WITH 3'-0" BUFFER BETWEEN PARKING LANE

This thoroughfare assembly has a landscaped center median and serves commercial uses in more intense Context Areas. The thoroughfare assembly consists of wide sidewalks, bump-outs, formally arranged street trees, bike lanes and parallel parking. The wide sidewalks can accommodate outdoor seating areas while also maintaining adequate pedestrian travel zones and furnishing zones. The center median may be replaced with left turn lanes at intersections and driveways as required to accommodate traffic volumes.

Bike lanes are continuous and located in between the sidewalk and the parking lanes.

**THOROUGHFARE KEY**

THOROUGHFARE KEY	ST-66-36-C
THOROUGHFARE TYPE	_____
AV	Avenue with Median
ST	Street
YS	Yield Street
RA	Rear Alley

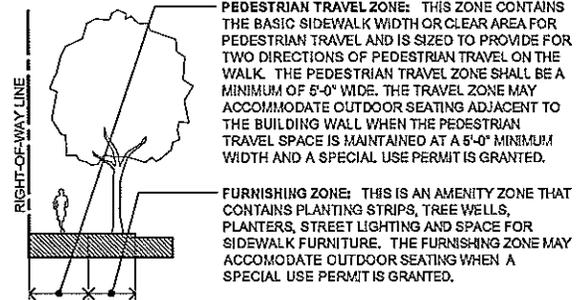
RIGHT-OF-WAY WIDTH \_\_\_\_\_  
Measured from Right-of-Way line to Right-of-Way line.

PAVEMENT WIDTH \_\_\_\_\_  
Measured from "edge of metal" to "edge of metal" (not including gutters).

COMMERCIAL OR RESIDENTIAL DESIGNATION \_\_\_\_\_  
Commercial (C) indicates that the thoroughfare is typically located on predominately commercial streets. Commercial thoroughfares have pavement from right-of-way to curb with street trees in tree grates or raised planters (no landscaped parkways).

Residential (R) indicates that the thoroughfare is typically located on predominately residential streets. Residential thoroughfares have landscaped parkways.

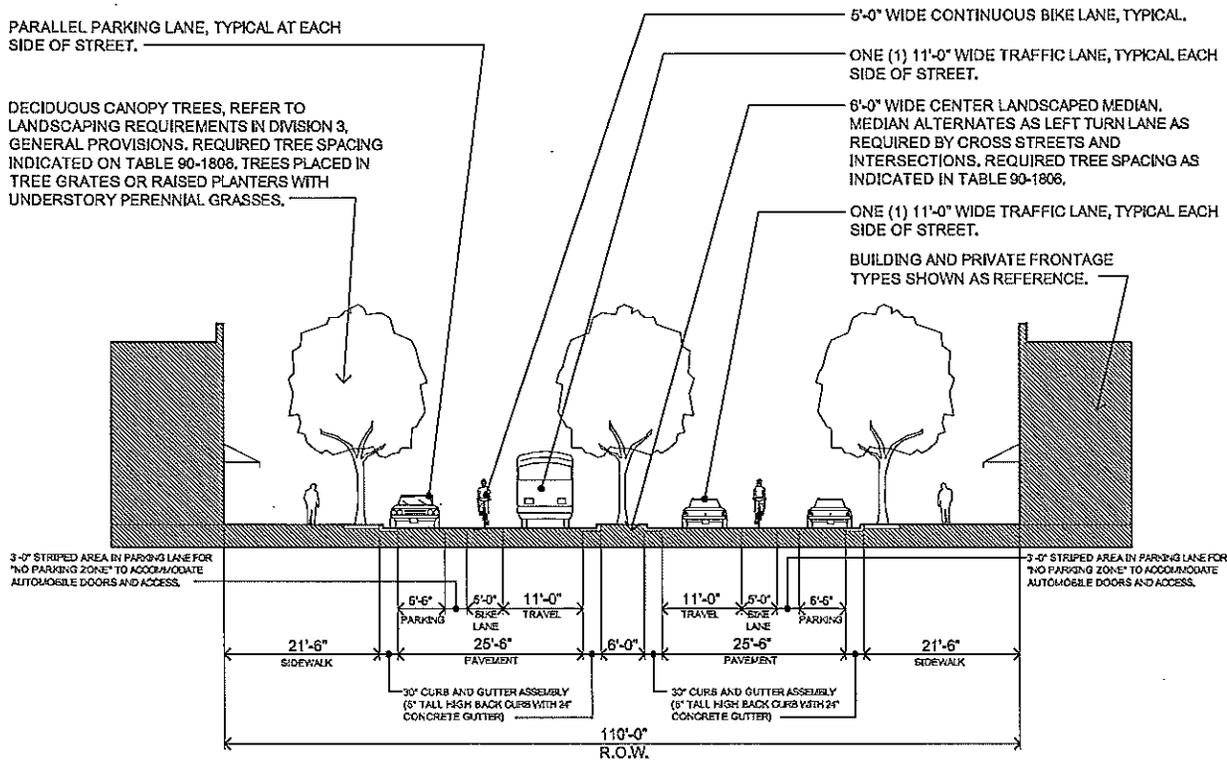
**PEDESTRIAN REALM DESIGN ZONES**



**ILLUSTRATION 8.01 THOROUGHFARE CROSS-SECTION**

PARALLEL PARKING LANE, TYPICAL AT EACH SIDE OF STREET.

DECIDUOUS CANOPY TREES, REFER TO LANDSCAPING REQUIREMENTS IN DIVISION 3, GENERAL PROVISIONS, REQUIRED TREE SPACING INDICATED ON TABLE 90-1808. TREES PLACED IN TREE GRATES OR RAISED PLANTERS WITH UNDERSTORY PERENNIAL GRASSES.



**CITY OF WYOMING - SITE PLAN DATA WAIVER REVIEW**

Project: <b>WYOMING PLAZA PAD</b>		Reviewed By: <b>TIM COCHRAN</b>	
		Date: <b>7/24/14</b>	
<b>Required Site Plan Data:</b>	<b>Waiver Requested</b>	<b>Reviewer Comments:</b>	<b>Y/N</b>
<b>(a) Application Form:</b> The application form provided by the Planning Department shall be completed in full with the following information:			
Name, address and phone number of the applicant and property owner			
Address and property identification number of all properties			
Name, address and phone number of firm or individual who prepared the site plan			
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable			
Date of application			
<b>(b) Site Plan Descriptive and Identification Data:</b>			
Site plans shall consist of a plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size.			
Sheet size shall be a maximum of 24 x 36 inches and collated according to sheet number. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included			
Title block with sheet number/title; name, professional seal, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)			
Scale and north-point			

**CITY OF WYOMING - SITE PLAN DATA WAIVER REVIEW**

Project: <b>WYOMING PLAZA PAD</b>	Reviewed By: <b>TIM COCHRAN</b> Date: <b>7/24/14</b>		
Required Site Plan Data:	Waiver Requested	Reviewer Comments:	Y/N
Location map drawn to a separate scale with north-point, showing surrounding land, and streets, within a quarter mile			
Dimensions of land and total acreage, with boundary survey and improvements			
Zoning classification of petitioner's parcel and all abutting parcels	✓	All FBC	Y
Proximity to section corner and Major Thoroughfare			
Net acreage (minus rights-of-way) and total acreage			
Proposed number of employees, if applicable			
<b>(c) Site Data:</b>			
Existing lot lines, building lines, structures, parking areas and other improvements on the site			
Building footprints			
Finished floor elevation of all proposed buildings			
On parcels of more than one (1) acre, topography on the site and within 100 feet of the site at two-foot contour intervals			
Proposed lot lines, lot dimensions, property lines, required and proposed setback dimensions, structures, and other improvements on the site			
Location of existing drainage courses, floodplains, lakes and streams, wetlands with elevations, and woodlands			
All existing and proposed easements			

**CITY OF WYOMING - SITE PLAN DATA WAIVER REVIEW**

Project: <b>WYOMING PLAZA PAD</b>		Reviewed By: <b>TIM COCHRAN</b>	
		Date: <b>7/24/14</b>	
Required Site Plan Data:	Waiver Requested	Reviewer Comments:	Y/N
Location of waste receptacle(s), transformer pad(s), ground mounted mechanical equipment, and method of screening			
Dimensions and area of any outdoor sales display or storage area			
<b>(d) Access and Circulation:</b>			
Existing and planned right-of-way for all streets			
Dimensions, curve radii and centerlines of existing and proposed access points, road rights-of-way, private roads or access easements			
Opposing driveways and intersections within 100 feet of site	✓	<b>EXISTING - NO NEW PROPOSED</b>	Y
Dimensions and location of existing and proposed driveways, parking lots, sidewalks and non-motorized paths			
Dimensions of acceleration, deceleration, and passing lanes			
Dimensions of parking spaces including barrier free, islands, circulation aisles and loading zones (including loading dock/door orientation and screening)			
Dimension and location of all clear vision areas			
Calculations for required number of parking and loading spaces	✓	<b>REDUCED OVERALL PARKING DEMAND w/ DEMO</b>	Y
Access easements, if shared access is proposed	✓	<b>EXISTING</b>	Y
Designation of fire lanes			
Truck circulation plan showing turning templates for delivery trucks and emergency vehicles			

**CITY OF WYOMING - SITE PLAN DATA WAIVER REVIEW**

Project: <b>WYOMING VILLAGE PAD</b>	Reviewed By: <b>TIM COCHRAN</b> Date: <b>7/24/14</b>		
Required Site Plan Data:	Waiver Requested	Reviewer Comments:	Y/N
Traffic impact analysis meeting the requirements of Section 90-1003 (3), if applicable			
<b>(e) Landscape Plans:</b>			
General location of existing plant materials, with an identification of materials to be removed and materials to be preserved			
Calculations of all landscape requirements, as set forth in Section 90-64			
Landscape plan, including location and type of all existing and proposed shrubs, trees, and other live plant material			
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required			
Planting list for proposed landscape materials with container size, caliper size or height of material, botanical and common names, and quantity			
<b>(f) Building and Structure Details:</b>			
Building elevations for all facades. Elevation drawings shall indicate the height of building, materials, and architectural quality, and shall detail any rooftop or building mounted screening.			
Location, height, and outside dimensions of all proposed buildings or structures			
Building floor plans for multiple-family buildings and gross floor area			

**CITY OF WYOMING - SITE PLAN DATA WAIVER REVIEW**

Project: <b>WYOMING PLAZA PAD</b>		Reviewed By: <b>TIM COLTRAN</b>	
		Date: <b>7/24/14</b>	
Required Site Plan Data:	Waiver Requested	Reviewer Comments:	Y/N
Details on accessory structures and any screening			
<b>(g) Information Concerning Existing and Proposed Utilities, Drainage and Related Issues:</b>			
Location of existing and proposed sanitary sewers, water mains, fire hydrants, storm sewers and other utilities that are proposed to serve the project			
Location of existing above and below ground gas, electric and telephone lines			
Storm water retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls with calculations (for details refer to Wyoming's storm water ordinance Sec.86-351 through 436)			
Indication of site grading, drainage patterns and other storm water management			
<b>(h) Additional information required for Residential Development</b>			
The number and location of each type of residential unit			
Density calculations by type of residential unit (dwelling units per acre)			
Garage or carport locations and details, if proposed			
Location and design of mailbox clusters, if applicable			
Location, dimensions, and elevations of common building(s), if applicable			
Location, size and facilities within, of recreation and open space areas, if applicable			
<b>(i) Other Requirements</b>			
Applicable fees, as set by the City Council			



MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

AT-LARGE COUNCILMEMBER  
Dan Burrill

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

To: Planning Commission  
Rebecca Rynbrandt, Director of Community Services

From: Tim Cochran, City Planner

Date: August 6, 2014

RE: Planning Commission Rules of Procedure Amendments

Staff was asked to consider an amendment to the Rules of Procedure to provide guidance on when a Planning Commissioner should declare pertinent information that may have an influence on the initial motion for decision. The concern is that a Commissioner, through the course of project consideration prior to the meeting, may have discovered critical information that would correct potentially erroneous or untruthful information provided to the Commission.

The Commission's actions, and decision making process, requires full transparency to both the petitioners and public. An initial motion for business consideration will be either for approval or denial. If a Commissioner believes that self-discovered information is pivotal to that motion, it is recommended that this be disclosed prior to the initial motion. The Commissioners should first contact the Chair prior to commencing the meeting to identify the concern, which will then provide the Chair the opportunity to call upon the Commissioner. Once openly disclosed, the normal procedures will resume with a motion, then discussion and decision, on the proposal. Research of Roberts Rules of Order and internet failed to provide guidance on an appropriate process for such disclosures.

In addition, current Procedures state that the election of officers occurs on the first regular meeting in June. Since City Council reappointments occur in June, elections have been occurring in July. It is recommended the Procedures be amended to specify July for the election of officers.

The following amendments to the Rules of Procedure are proposed (amendments in **bold**):

Article II Section 1.

A Chair, Vice-Chair and Secretary shall be elected by a majority vote of the members of the Planning Commission every year, at the first regular meeting in the Month of **July**.

Article IV Section 3.

All proceedings, decisions, and resolutions of the Planning Commission shall be initiated by motion. **The disclosure of pertinent information that would correct potential erroneous or untruthful information provided to the Planning Commission, and may also affect a motion for consideration, may be revealed prior to the motion upon recognition of the Commissioner by the Chair. Once disclosed, the normal procedures will resume with a motion, then discussion and decision, on the proposal.** The vote upon motions and resolutions and resolutions should be recorded by roll call vote.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ADD ARTICLE III TO  
CHAPTER 82 OF THE CODE OF THE CITY OF WYOMING  
ENTITLED "LAWNS, GARDENS AND WATER  
EFFICIENT LANDSCAPING"

THE CITY OF WYOMING ORDAINS:

Section 1. That Article III entitled "Lawns, Gardens and Water Efficient Landscaping" is hereby added to Chapter 82 of the Code of the City of Wyoming to read as follows:

**ARTICLE III**

**LAWNS, GARDENS AND WATER EFFICIENT LANDSCAPING**

**Sec. 82-61. Findings of Fact.**

The purpose of this section is to establish minimum standards for lawn maintenance, private gardens and water efficient landscaping. It is recognized that a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominate feature in the landscape; however, alternatives to this traditional type of lawn are recognized as important parts of a diverse, successful, enriching and sustainable landscape.

**Sec. 82-62. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning:

*Adapted Vegetation* means those trees, shrubs, wildflowers, grasses and other plants that naturally acclimate to this environment.

*Maintenance Plan* means a document submitted with an application for a Water Efficient Landscaping Permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.

*Native Vegetation* means any trees, shrubs or plants (exclusive of noxious weeds) indigenous to this region.

*Natural Habitat* means a specially uncultivated and sensitive planting area whereupon native vegetation exists in a pristine state and provides home for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.

*Noxious Weeds* means an annual, biennial or perennial plant designated by the Michigan Commissioner of Agriculture as injurious to public health, the environment, public roads or other

property.

*Private Garden* means an area for the non-commercial cultivation of flowers, vegetables, ornamental plants or similar plant materials on a property by an owner or authorized occupant.

*Rank Vegetation* means uncultivated plants growing at a rapid rate due to unplanned, unintentional or accidental circumstances.

*Turf Grass* means cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.

*Water Efficient Landscaping Permit* means a permit issued by the City allowing an owner or occupant to cultivate native and adaptive vegetation as part of a Leadership in Energy and Environmental Design (LEED) or other environmentally sensitive planning. A Water Efficient Landscaping Permit exempts an owner or occupant from Section 82-63(3) of this Chapter.

*Weeds* means any unsuitable or uncultivated vegetation, often causing injury to the desired vegetation type.

#### **Sec. 82-63. General Requirements.**

(1) All lot areas not designated for buildings, pedestrians, vehicles, recreation or storage, shall be provided with turf grass or a combined ground cover of maintained gardens, hedges, trees and shrubbery. No plantings are permitted within public right-of-ways without written authorization from the Public Works Department. Plantings shall be maintained so as to not obstruct sidewalks, alleys or streets.

(2) No owner or occupant of any parcel shall allow any noxious weeds on any part or portion of said parcel.

(3) No owner or occupant of developed properties shall allow any turf grass, weeds or rank vegetation to grow to a height greater than twelve (12) inches. This section does not apply to any lands exempted by Section 82-64.

(4) Gardens shall be permitted anywhere upon private properties with the exception of vegetable gardens, which are only permitted in rear yards. Gardens shall be maintained in a cultivated state except during the winter months. Gardens that are no longer under active cultivation shall be removed and replaced per subsection (1) above. Designated garden areas shall be maintained free of weeds at all times throughout the year. Stands for the sale of garden produce or flowers are not permitted.

(5) Temporary greenhouses or hoop houses constructed with fabric or plastic walls and

roof that are a maximum 16 square feet are permitted. Temporary greenhouses or hoop houses may be located only within the rear yard of properties, may be no closer than three feet to a property line and must be maintained in good condition.

(6) On-site storage of compost and organic matter is permitted subject to the following:

(a) Shall be permitted only in a rear yard a minimum of 10 feet from a property line.

(b) May not exceed 64 square feet in area.

(c) Shall not be visible from adjoining residential properties (shielded from view by shrubbery or fencing).

(d) Shall be constructed of rigid and durable materials with a tightly fitted lid.

(e) Shall be maintained to prevent odors.

**Sec. 82-64. Exemptions.**

(1) **Vacant Land.** The owner of vacant and unoccupied land consisting of a contiguous tract of one (1) acre or more is exempt from this Chapter provided the front 50 feet of the tract (as measured from the street pavement edge) is maintained as required under Section 82-63(3).

(2) **Public Lands.** All City properties maintained as natural habitat for public purposes including, but not limited to, regional storm water detention basins and naturalized park areas, are exempt from this Chapter.

(3) **Water Efficient Landscaping Permit.**

(a) The City will consider requests for a Water Efficient Landscaping Permit. Applications shall be made to the City Planner. Within 30 days of filing the application, the City Planner shall conclude the review. Consideration of whether to grant or deny the permit request shall be based on submittal of all required information, ability to comply with the maintenance program and consideration of potential detriment to adjoining properties or the public welfare. Appeals from denials may be made to the Housing Board of Appeals. Notice shall be given to adjoining properties regarding this appeal. A Water Efficient Landscaping Permit shall grant any property owner or occupant the ability to cultivate native and adapted vegetation on his/her property and be exempted from the requirements of Section 82-63(3) of this Chapter.

(b) An application for a Water Efficient Landscaping Permit shall contain the following information:

(1) Statement of intent and purpose in cultivating the native and

adaptive vegetation.

(2) Site plan showing lot lines, buildings, driveways, parking areas and location of proposed vegetation.

(3) Common names and quantities of the plant species the property owner or occupant plans to cultivate.

(4) A maintenance program.

(5) Name, address and phone number of the professional landscaping company which has been hired to perform maintenance; or the name, address, phone number and qualifications of the person(s) who will be responsible for the maintenance.

**Sec. 82-65. Revocation.**

The City may regularly inspect any property holding a Water Efficient Landscaping Permit for compliance with the maintenance program on file with the City. For any property out of compliance, the City shall give notice to the holder of the permit by regular mail stating that the property must be brought into compliance within a minimum of thirty (30) days. Should the period pass without action by the holder of the permit, the City may:

(a) Revoke the Water Efficient Landscaping Permit.

(b) Remove all improperly maintained native and adaptive vegetation. In addition, the City shall assess the property for all fees associated with the inspection of the property and removal of improperly maintained native and adaptive vegetation in accordance with Section 82-66 of this Chapter.

**Sec. 82-66. Violations.**

If any owner fails to comply with Section 82-63, the City is hereby authorized to notify the owner of such property to cut and remove the weeds, rank or any improperly maintained native and adaptive vegetation under a Water Efficient Landscaping Permit. The notice shall be as prescribed in Section 1-26 of this Code to the owner as his name appears on the latest assessment roll or the actual occupant, if known. If the owner fails, neglects or refuses to comply with the notice, the City may, within five days after notice, cut and remove the weeds, rank, native or adaptive vegetation and charge the owner at cost plus 100 percent based upon quarterly hours, a minimum of one hour per lot, and may place the charges on the tax roll to be added to the taxes for the property for the next year and/or placing a lien against the subject property.

In lieu of the notice as required in this Section the City may publish a notice in a newspaper

of general circulation in the county during the month of March that vegetation not cut by May 1 of that year will be cut by the City, and the owner of that property charged with the cost under the provisions of this Section. The City may cut the vegetation as many times as is necessary and charge the cost to the property owner.

Section 2. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a \_\_\_\_\_ session of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. \_\_\_\_\_