

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING PLANNING COMMISSION AT ITS REGULAR MEETING OF DECEMBER 16, 2014

PLANNING COMMISSION  
MINUTES OF NOVEMBER 18, 2014  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart (arrived at 7:05 pm), Micele, Postema, Spencer, Weller

MEMBERS ABSENT: Hegyi, Woodruff

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Administrative Aide  
Sluiter, City Attorney

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Bueche, supported by Weller, to excuse Goodheart, Hegyi and Woodruff. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of October 21, 2014 were approved as written.

APPROVAL OF AGENDA

Motion by Bueche, supported by Weller, to approve the agenda with the following revision: Adding Agenda Item No. 6 – Parks and Recreation Ideal Park Master Plan Update. Motion carried unanimously.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no public comments.

AGENDA ITEM NO. 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 44<sup>th</sup> Street. (Section 25) (4500 Clyde Park LLC and Wyoming Planning Department)

Cochran described the location, existing land use and current zoning around the area. 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. 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 sales and service of motorcycles, atvs, snowmobiles, etc. In addition, an Extended Stay Hotel and a gasoline/convenience (C-Store) are also planned. Two other development areas are shown, with as yet undetermined uses.

(Goodheart arrived at this time.)

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 44<sup>th</sup> 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.

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

“5. Redeveloping the southeast corner of 44<sup>th</sup> 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 44<sup>th</sup> 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 44<sup>th</sup> 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 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.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. 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 Principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City

Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Petitioner Steve Frye of the Concept Design Group mentioned that most of the site will be served by the existing curb cuts.

Motion by Micele, supported by Bueche, to recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner. Discussion followed.

Weller said he was pleased see development happening on this site. Micele agreed.

A vote on the motion carried unanimously.

#### AGENDA ITEM NO. 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 52<sup>nd</sup> Street. (Section 30) (American Kendall Properties LLC)

Cochran described the location, existing land use and current zoning around the area. The proposed rezoning area is primarily undeveloped, with two single family residences. The petitioner's desire is 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 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 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 \$1,350 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.

1. The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies this site 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 52<sup>nd</sup> 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. 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 5,700 trips on 52<sup>nd</sup> Street, adjoining this property. The volumes are projected to increase by 2035 to 24,500 trips on Wilson Avenue and 7,600 trips on 52<sup>nd</sup> Street. The projected 2035 traffic volumes can be readily accommodated under the current street design with a volume/capacity ratio of 0.7.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. 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 Principles.

Cochran mentioned one letter was received from a nearby resident in opposition to the rezoning.

Planning Commission Action:

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

Chair Spencer opened the public hearing.

Donald Wall, 3971 52<sup>nd</sup> Street, SW, has lived in his residence 37 years. He thought the two developments that have already went in in this area have been of high quality, but he is opposed to this apartment complex. He thought the proposed density is too high and that apartments in general bring in too many problems.

Karen Fairbairn, 5080 Wilson Ave SW, whose residence is directly across from this proposed development, said traffic is already heavy and moving much faster than 45 mph. It will only increase. They will not be able to make a left turn out of their driveway. She has seen no police traveling this area to regulate speeds. She was opposed to a multiple family development in this location.

Doug Beute, 3983 52<sup>nd</sup> Street SW, said he would not be opposed to condominiums, but was against a multiple family development. The traffic is already terrible and would be worse. Years ago the neighbors had proposed this area be rezoned but were denied. Now a developer comes in with a lot of money and the City is recommending approval of his rezoning.

Russ VandenBerg, 5050 Wilson Ave SW, said if they looked at the history of apartments they would see that they start out nice and then deteriorate over time because they change owners and are not maintained. He thought it was unfair that more residents were not notified beyond the 600 feet radius.

Chair Spencer closed the public hearing.

Petitioner Mike Speedy of American Kendall Properties thought most of the standard concerns raised can be addressed through design of the development. They agree to build this development exactly as shown on the plans. He discussed the design features, which include unique and high quality architecture. There will be garages with no carports, nine feet ceilings, and rents ranging from \$850 - \$1,350. The development will abut retail use, so it is a classic and appropriate transitional use. They will abide by the development agreement proposed.

Motion by Goodheart, supported by Postema, to recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner. Discussion followed.

Bueche pointed out the proposed development agreement says the City will be responsible for the costs of recording the agreement. He asked why this is the City's responsibility. Cochran explained the City Attorney will finalize the development agreement if instructed by the City Council and will make sure it is recorded. Bueche pointed out the draft development agreement submitted by the petitioner has an incorrect name for the Mayor and the wrong County listed. There are numerous other errors. The petitioner said they will be happy to clean up the draft document. Bueche asked if there were 48 attached garages under the units. The petitioner responded affirmatively, on the first floor, and pointed out the detached garages on the plan. Bueche thought the detached garages are too far away from the apartments. The petitioner replied they are located within a standard walking distance and will have remote openers.

Micele asked if a resident profile was done for this area. The petitioner responded they have done market studies as part of the process. Micele questioned whether there were enough parking spaces available in addition to the garages. The petitioner replied there will be two parking spaces per dwelling unit, which includes the garage.

Postema asked if the developer is required to build the clubhouse. Cochran said this is only required within PUD's, but the petitioner has committed to build a clubhouse per the proposed development agreement. If the rezoning is approved, the petitioner will then come back to the Planning Commission for a full site plan review. The petitioner clarified they intend to build the clubhouse, pool and office first. Postema asked the locations of the trash receptacles. Cochran said this will be included on the final site plan and must meet the Zoning Ordinance requirements.

Weller asked if the façade will be real brick. The petitioner responded affirmatively. Weller inquired the total number of apartment units. The petitioner responded 192 units, as shown on the plan. Weller asked if the street would have to be widened at Quest Drive. Cochran replied a traffic impact analysis will be done at the time of site plan review.

Arnoys asked if their market study indicated a demand for apartments in this area. The petitioner responded there is a demand for several hundred apartment units in this vicinity. Arnoys asked who will manage the complex. The petitioner replied Village Green, a professional multiple family management company. Arnoys asked how many apartment developments they have built in the past. The petitioner said American Kendall Properties has developed three similar developments in the Cincinnati/Northern Kentucky area. His family has developed numerous multiple family projects in the past.

Goodheart asked about storm water management for the site. The petitioner noted that Doug Stalsonburg from Exxel Engineering will design the site plan and address this issue. Goodheart asked if the City Attorney has reviewed the draft development agreement. Cochran said he will review it if he is instructed by the City Council. Goodheart pointed out the development agreement states a higher number of apartment units than what is shown on the site plan. He was also concerned about the traffic coming out to 52<sup>nd</sup> Street and whether it will be widened. Cochran noted the development would have full access out to Wilson Avenue. The traffic impact analysis will determine what is needed. Ivanrest Avenue north of 52<sup>nd</sup> Street and 56<sup>th</sup>

Street are on the radar to be monitored for future widening. Both Wilson Avenue and 52<sup>nd</sup> Street are currently operating well within capacity. Goodheart asked if traffic will be able to turn north bound. Cochran replied yes.

Postema asked for clarification on the number of apartment units. Weller agreed with the 192 units on the plan, but not the larger number stated in the development agreement. Cochran clarified, with the rezoning they are entitled to the rights of that zone which would be 14 units per acre. They are proposing less than this, which is 192 units as shown on the plan. The draft development agreement will be revised to match the plan before the rezoning is addressed by the City Council in second reading. The petitioner noted it would be very difficult to fit more than 192 units on this site. They will commit to the 192 units and will revise the development agreement accordingly.

Chair Spencer thought, since there is a demand for apartments in this area, she would rather have a high quality development. It is an excellent transitional use. She also noted, regarding notification of residents beyond 600 feet, the standard is 300 feet and the City goes farther at 600 feet for rezonings.

A vote on the motion carried 6 – 1, with Bueche opposed.

### AGENDA ITEM NO. 3

Request to amend Zoning Ordinance Section 90-69 to prohibit marijuana provisioning centers and marijuana safety compliance facilities. (Wyoming Planning Department)

City Attorney Jack Sluiter noted 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 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 suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-69 Medical marijuana facilities.

Chair Spencer opened the public hearing. There were no public comments and the public hearing was closed.

Motion by Goodheart, supported by Arnoys, to recommend to the City Council the subject Zoning Code amendment to Section 90-69 Medical marijuana facilities. Discussion followed.

Postema asked if the law states that the City can choose not to allow these facilities. City Attorney Sluiter responded affirmatively.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 4

Zoning Considerations – Southeast Corner of Wilson Avenue and 56<sup>th</sup> Street.

Cochran informed the Commissioners of an upcoming informational meeting on December 3, 2014 at 6 p.m. at the Wyoming Public Library regarding a major development proposal that would require the City to consider a significant rezoning change at the southeast area of Wilson Avenue and 56<sup>th</sup> Street. The purpose of the meeting is to receive input from neighboring residents, which will benefit the City Council and Planning Commission in their discussions regarding future rezoning considerations. The notice was sent to over 450 residents within a 600 feet radius.

AGENDA ITEM NO. 5

Zoning Ordinance Reformat – Wade Trim Consultant

Cochran noted the firm of Wade Trim has been hired as the consultant to reformat the Zoning Code. This project should be completed by July 2015.

Postema said he would prefer the Commissioners review the reformat in sections rather than the entire product at once. Cochran would pass on his suggestion to the consultant.

Weller asked how often the Zoning Code is reformatted. Cochran replied the Zoning Ordinance was last rewritten in 1983, with amendments made throughout the years, with many placed in the back of the document which has not been ideal. The reformatted document will be much easier to work with.

#### AGENDA ITEM NO. 6

##### Parks and Recreation Ideal Park Master Plan Update

Rynbrandt mentioned there have been ongoing cleanup efforts due to the tornado damage in Ideal Park last July. Over 98% of the tree canopy was lost, both playgrounds were also lost and there was damage to the lodge. The Parks and Recreation Department will hold a community planning meeting to gather input on the redevelopment of Ideal Park on Tuesday, December 2<sup>nd</sup> at 6:30 p.m. at the Ideal Park Christian Reformed Church Activity Center. She and consultant P.M. Blough, Inc. will seek input on the park's design, programming needs, and public uses of the park and facilities. Also, the Parks and Recreation Commission would like to have a joint meeting with the Planning Commission on Wednesday, January 14<sup>th</sup> at 7 p.m. in the Council Chambers to discuss the future redevelopment of the park. The Commissioners were in agreement to hold the joint meeting.

#### PUBLIC COMMENT

Donald Wall, 3971 52nd Street, SW, said the plans for the apartment complex are pretty to look at, but he did not see how it could work from a traffic standpoint. Cochran noted, when the Land Use Plan was adopted in 2006, about six months of review time was devoted solely to Wilson Avenue. It was the City's decision to plan for higher intensity uses along Wilson Avenue, but the marketplace could not support more retail. It was decided that mixed use development along this 2½ mile stretch of Wilson Avenue would be more desirable.

Karen Fairbairn, 5080 Wilson Avenue, asked how decisions were made regarding traffic. Cochran replied a professional traffic engineering firm would conduct the traffic impact analysis. She stated that it is almost impossible to get out of her driveway now. Cochran noted over time the City does not anticipate any homes fronting onto this stretch of Wilson Avenue. The current driveway entrances will be relocated when the residential properties are eventually combined and redeveloped. Wilson Avenue is designed to carry a very large amount of traffic. Weller thought the traffic lights may need to be better synchronized.

Doug Beute, 3983 – 52<sup>nd</sup> Street SW, asked where the children in this apartment complex would go to school since the elementary school down the street is full to capacity. He said he and his neighbors had their properties optioned to purchase by a developer years ago for offices, but the Alexandria Estates residents protested it and the sale fell through.

Russ VandenBerg, 5050 Wilson Avenue SW, lives on the base of the hill and has to wait sometimes ten minutes to get out of his driveway. What are future options for their properties? Cochran said the Land Use Plan calls for office use here, but the City could deviate from this if

another proposed use was deemed more desirable for this location. There is much development happening in Wyoming right now and Wilson Avenue is in demand.

Doug Beute, 3983 52<sup>nd</sup> Street SW, asked the regulations for signage. Rynbrandt referred him to the Building Inspections Department for assistance regarding sign regulations.

ADJOURNMENT

The meeting was adjourned at 8:50 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission