

AGENDA
WYOMING PLANNING COMMISSION
TUESDAY, JULY 21, 2015
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 98.4 acres from ER Estate Residential (66.9 acres), B-2 General Business (9.5 acres), B-1 Local Business (15.7 acres) and RO-1 Restricted Office (6.3 acres) to PUD-1 Low Density Planned Unit Development. The properties are located at 3928-56th Street, 3950-56th Street, 3952-56th Street, 5700 Wilson Avenue, 5850 Wilson Avenue, 5950 Wilson Avenue, 5972 Wilson Avenue, 5988 Wilson Avenue, 6002 Wilson Avenue, 6010 Wilson Avenue, and 6030 Wilson Avenue. (Section 32) (TMGB Wilson, LLC) (Includes Overall Development Plan Approval)
2. Request to rezone 5.1 acres from B-3 Planned Business to B-2 General Business. The property is located at 155 – 28th Street, SW. (Section 12) (CARite, Inc.)

INFORMATIONAL ITEMS:

PUBLIC COMMENT:

ELECTION OF OFFICERS:

ADJOURNMENT:

WYOMING PLANNING COMMISSION
AGENDA ITEM
NO. 1

DATE DISTRIBUTED: July 9, 2015
PLANNING COMMISSION DATE: July 21, 2015

ACTION REQUESTED: Request to rezone 98.4 acres from ER Estate Residential (66.9 acres), B-2 General Business (9.5 acres), B-1 Local Business (15.7 acres) and RO-1 Restricted Office (6.3 acres) to PUD-1 Low Density Planned Unit Development. The properties are located at 3928-56th Street, 3950-56th Street, 3952 56th Street, 5700 Wilson Avenue, 5850 Wilson Avenue, 5950 Wilson Avenue, 5972 Wilson Avenue, 5988 Wilson Avenue, 6002 Wilson Avenue, 6010 Wilson Avenue, and 6030 Wilson Avenue. (Includes Overall Development Plan Approval.)

REQUESTED BY: TMGB Wilson, LLC

REPORT PREPARED BY: Timothy Cochran, City Planner

GENERAL LOCATION DESCRIPTION:

The property is generally located at the southeast corner of 56th Street and Wilson Avenue. (Section 32)

EXISTING ZONING CHARACTERISTICS:

This site is zoned a combination of ER Estate Residential, B-2 General Business, B-1 Local Business and RO-1 Restricted Office. Zoning surrounding the property follows:

North: ER Estate Residential and B-1 Local Business
South: B-3 Interchange Business (Byron Township)
East: PUD-1 Low Density Planned Unit Development
West: PUD-1 Low Density Planned Unit Development (across Wilson Avenue)

EXISTING LAND USE:

The proposed rezoning area is primarily agricultural fields. Land use surrounding the property follows:

North: Single family homes and commercial
South: Vacant (Byron Township)
East: Single family residences
West: Del Mar Farms condominiums and office/bank developments (across Wilson Avenue)

REZONING SYNOPSIS:

The petitioner proposes to rezone 98.4 acres from ER Estate Residential, B-2 General Business and RO-1 Restricted Office to PUD-1 Low Density Planned Unit Development to accommodate a mixed use development. The rezoning covers eleven separate properties, many of which until recently, were not under their control. The rezoning would combine these properties with the adjoining Rivertown Valley Planned Unit Development to create a total PUD area of 211.2 acres to be rebranded as The Reserve at Rivertown. The expanded PUD as proposed would provide 719 residential units including 265 single family lots developed to R-1 standards (10,000 sq. ft. minimum lot size), 154 senior apartments, 188 stacked flats, and 112 townhomes. A commercial area within the PUD of 9.8 acres is also proposed. This rezoning represents an opportunity to comprehensively master plan the largest undeveloped area remaining in Wyoming.

SITE HISTORY:

The original Rivertown Valley PUD, with associated B-2 General Business and RO-1 Restricted Office zoned areas, was approved in 2001 (see attached Overall Development Plan). That PUD was authorized for 168 single family homes, 122 attached condominiums, and 160 rental townhomes. Nile Drive was planned to be the collector street through the development and would connect to both 56th Street and Wilson Avenue. The frontage along Wilson Avenue included B-2 General Business zoning with additional RO-1 Restricted Office zoning located behind.

Subsequently, the Rivertown Valley PUD had numerous land ownership, zoning and market changes that significantly impacted the planning and development of the PUD as initially approved. These are summarized chronologically as follows:

Nile Drive – Shortly after adoption of the PUD, it was recognized that the wetlands along Wilson Avenue were more substantial than identified. This resulted in the alignment of Nile Drive with Wilson Avenue moving north. When Wilson Avenue was reconstructed to a four lane boulevard, the street opening and utility connections were constructed to align with this necessary relocation.

Grandville Elementary School site: In the center of the PUD, the City of Wyoming held ownership of a 15 acre parcel for a future school. The potential for that facility influenced the planned land use surrounding it. When the rezoning of the surrounding property to PUD-1 and

RO-1 Restricted Office occurred, that site retained ER Estate Residential zoning. The School District decided to not utilize that property and the City transferred ownership to the petitioner.

In 2007, the petitioner obtained B-1 Local Business zoning (15.7 acres) where Nile Drive is planned to be relocated. That rezoning included part of an adjoining property, part of the townhome area of the Rivertown Valley PUD, and part of the Restricted Office area.

By ordinance, PUD's require at least 15% open space of the entire area. Along the southern part of the Rivertown Valley PUD, a large wetland area was developed as a regional stormwater detention basin. In 2007, the petitioners requested, and obtained, the City's purchase of the basin's 27.7 acres. This purchase eliminated the ability of the petitioner to include that acreage as part of the PUD open space requirements. That 27.7 acres is currently zoned a combination of PUD-1 and B-2 General Business. As part of this rezoning request, the land zoned B-2 General Business is proposed to be rezoned to PUD-1 to provide zoning consistency. The B-2 zoned land is wetlands and cannot be developed. This 27.7 acres owned by the City is not proposed to be used to increase density on the balance of The Reserve at Rivertown PUD.

The petitioners have constructed three phases of Rivertown Valley subdivisions, totaling 131 lots developed to R-1 standards. The proposed expanded PUD would add 134 more lots. Nile Drive has been extended south from 56th Street with each phase.

LAND USE PLAN 2020:

The City of Wyoming Land Use Plan 2020 was adopted in 2006. The development of that Plan involved considerable resources, public engagement, and time. Much of this was concentrated on the Wilson Avenue corridor. The resulting determination for the corridor (attached) was that the two major commercial areas would surround the Rivertown Crossings Regional Mall and also at the Wilson Avenue interchange with M-6 (see attached conceptual plan). Land uses along Wilson Avenue between these two bookends would be a combination of multifamily, office and limited retail. Comprehensively designed projects, especially of a larger size, were to be encouraged using the planned unit development approach. The nearby Del-Mar Farms and South Rivertown PUD's are representative of this recommendation.

Specifically to this proposed rezoning, the petitioners have offered an expanded Planned Unit Development that offers mixed use with an overall density of 3.9 units per acre. This complies with the Land Use Plan's recommendation of no more than 4 units per acre. The neighborhood commercial area along Wilson Avenue as shown in the Land Use Plan is would be developed as stacked flats within the PUD. The 9.8 acre commercial component of the PUD would be located at the intersection of 56th Street and Wilson Avenue. PUDs, exceeding 80 acres, are entitled up to 10 acres of commercial development, to be developed under B-1 Local Business standards. The commercial PUD component at this intersection would be in character with the other commercial zonings at all four corners. The small commercial property at the southeast corner of the intersection is zoned B-1 Local Business, but is not a part of this PUD rezoning proposal.

This rezoning borders Byron Township to the south. Byron Township's Future Land Use Plan (attached) shows the area north of M-6, and up to this proposed rezoning, to be master planned for a Commercial Planned Unit Development. Currently, a portion of that area has been zoned to B-3 Interchange Business to accommodate a C-Store (gasoline/convenience) business. Their Future Land Use Plan also shows the area along 64th Street north of M-6, and the area south of M-6, to be master planned for Mixed Use Planned Unit Developments.

ANALYSIS OF IMPEDIMENTS AND HOUSING NEEDS ASSESSMENT 2013:

As a recipient of Federal funds, the City of Wyoming is obligated to faithfully consider and address area housing needs. The City Council adopted Analysis identified that the Wyoming "panhandle" area 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 complexes should fit with the character of the surrounding neighborhoods. The integration of rental units, into a comprehensively designed mixed use development, complies with the recommendations of the Analysis.

ZONING ORDINANCE STANDARDS:

The following table compares the Ordinance requirements with The Reserve at Rivertown PUD:

| <u>Ordinance Required</u> | <u>The Reserve at Rivertown</u> |
|--|---|
| Maximum 4 units/acre | 3.9 units per acre |
| Minimum 35% R-1 lots (251 lots) | 36.8% R-1 lots (265 lots) |
| 15% minimum open space (27.5 acres) | 21% open space (38.5 acres) with an adjoining 27.7 acres of City regional basin |
| Community bldg. w/ pool or tennis courts | Community building (amenities to be determined) |

The proposed Reserve at Rivertown PUD complies with the Zoning Ordinance PUD standards.

If the rezoning and Overall Development Plan are approved, detailed site plans or subdivision plans will be required for each phase of construction. These will be reviewed and approved by the Planning Commission. Traffic calming measures, architectural details, floor plans, landscape plans and nature preserve deed restrictions will be considered at that time. The entire development can be adequately served by the existing street and utility infrastructure.

CONFORMANCE WITH THE CITY OF WYOMING SUSTAINABILITY PRINCIPALS:

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 Reserve at Rivertown will provide a wide range of quality housing opportunities for residents in Wyoming and will promote social equity. The subsequent construction of the homes, townhomes, flats, senior apartments, and commercial center will provide significant employment. These factors will contribute to the economic strength of the City. The development will preserve significant open space which will help to preserve environmental quality. The proposed rezoning, and Overall Development Plan, conforms with the City of Wyoming sustainability principals.

STAFF OVERVIEW:

Due to the numerous land use and ownership decisions in this area over the last fourteen years, the Rivertown Valley PUD cannot be developed as originally approved. The petitioners have acquired significant additional property and put forth a proposal that will comprehensively master plan over 200 acres for a mixed use development. If approved, it would be the largest PUD in the City. The proposed rezoning and PUD Plan is compatible with adjoining developments, and complies with the Land Use Plan 2020, the Analysis of Impediments and Housing Needs Assessment 2013, the Zoning Ordinance PUD standards, and the City's Sustainability Principals. The entire development can be adequately served by existing street and utility infrastructure.

City staff held two publicly noticed information meetings regarding this proposal in December 2014, and June 2015. Both meetings were significantly attended by area residents. Substantial amendments to the proposal occurred between the two meetings, based to a degree by comments received.

PLANNING COMMISSION ACTION:

The Development Review Team suggests the Planning Commission recommend to the City Council approval of the subject rezoning. In a separate motion, the DRT recommends the Planning Commission approve the associated Overall Development Plan, subject to City Council approval of the rezoning.

DEVELOPMENT REVIEW TEAM:

Heidi Isakson, Deputy City Manager
Rebecca Rynbrandt, Director of Community Services
William Dooley, Director of Public Works
James Carmody, Director of Police & Fire Services
Timothy Cochran, City Planner

WYOMING PLANNING COMMISSION
AGENDA ITEM
NO. 2

DATE DISTRIBUTED: July 9, 2015
PLANNING COMMISSION DATE: July 21, 2015

ACTION REQUESTED: Request to rezone 5.1 acres from B-3 Planned Business to B-2 General Business

REQUESTED BY: CARite, Inc.

REPORT PREPARED BY: Timothy Cochran, City Planner

GENERAL LOCATION DESCRIPTION:

The property is located at 155-28th Street. (Section 12)

EXISTING ZONING: The property is zoned B-3 Planned Business. Zoning surrounding the property follows:

North: I-1 Light Industrial
South: B-2 General Business (across 28th Street)
East: B-3 Planned Business
West: B-2 General Business (across Buchanan Avenue)

EXISTING LAND USE: The property is vacant. Land uses surrounding the property follows:

North: Richwood Industries
South: Various commercial (across 28th Street)
East: Auto Repair and restaurant
West: Auto Convenience Store (across Buchanan Avenue)

PROPOSED REZONING:

The petitioner has optioned this property with the intention of developing an automobile sales / service facility and an attended car wash (see attached exhibits). Both facilities are allowable by Special Use Approval from the Planning Commission in the B-2 General Business zoning district. As such, they are requesting to rezone this property from B-3 Planned Business to B-2 General Business. If the rezoning is approved the petitioners would then apply for Special Use and Site Plan Approvals from the Planning Commission. If the property is rezoned to B-2 General Business the full range of uses under the Zoning Code would be permissible. The petitioners have voluntarily offered a development agreement to commit solely to the uses proposed. The development agreement would be entered into with the City Council at the time of

rezoning. At this time there is no known use for the rear area balance of the property.

SITE HISTORY:

This property is a remnant from the K-Mart store developed in 1966. That store occupied the overall property for several decades but subsequently closed. An ancillary K-Mart out-building was previously located at the northeast corner of 28th Street and Buchanan Avenue. That was used for various commercial businesses until razed several years ago. The K-Mart building was rezoned in 1999 from B-3 Planned Business to I-1 Light Industrial to accommodate it's conversion to Richwood Industries.

In 2013, the City also considered the rezoning of this subject property to B-2 General Business. That proposal was to accommodate a Speedway C-Store facility that would also provide diesel fuel for large trucks and tractors. That request was denied based on concerns over the negative land use, noise and traffic impacts of such a facility on the intersection and on adjoining properties (see attached site plan and Planning Commission minutes).

STAFF COMMENTS:

1. The City of Wyoming Land Use Plan 2020 (see attached) was adopted in 2006. It identifies the area on the north side of 28th Street and between Buchanan Avenue and Division Avenue as suitable for Mixed Use development. The purpose of the Mixed Use concept is "to transform this area into a walkable and accessible environment that is human scaled and will provide for a highly concentrated mix of compatible and complementary land uses of sufficient intensity to facilitate transit ridership."

The proposed development is not mixed use, nor will it facilitate transit ridership. However, the proposed development will significantly enhance this corner by providing necessary investment and attractive facilities. The buildings are of modern architecture and will be placed near the street. The bulk of the parking will be behind the buildings. Attractive, and irrigated, 25 foot wide greenbelts would be placed along both street frontages. As such, the developments will enhance the walkability along the 28th Street corridor. It is envisioned that as economic vitality grows in this area these large parcels will redevelop into the cohesive and desired plan envisioned within the Land Use Plan.

2. The other three corners of this intersection are zoned B-2 General Business. The proposed rezoning would be identical.

3. The City of Wyoming 2035 Thoroughfare Plan showed a 2009 daily traffic volume of 35,500 trips on 28th Street and 12,900 trips on Buchanan Avenue adjoining this property. The volumes are projected to increase by 2035 to 44,100 trips on 28th Street and 16,800 trips on Buchanan Avenue. The proposed developments will primarily use existing drives and can be accommodated.

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 and subsequent development would be beneficial to the long range community vision for this neglected area. The development would clean a blighted property and will encourage the redevelopment of nearby properties to enhance the overall economic strength of the 28th Street corridor. The proposed rezoning and subsequent development conforms to the City of Wyoming sustainability principals.

STAFF RECOMMENDATION:

The Development Review Team suggests the Planning Commission recommend to the City Council approval of the rezoning, subject to acceptance of the voluntarily offered development agreement.

DEVELOPMENT REVIEW TEAM:

Heidi Isakson, Deputy City Manager
Rebecca Rynbrandt, Director of Community Services
William Dooley, Director of Public Works
James Carmody, Director of Police & Fire Services
Timothy Cochran, City Planner