

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING PLANNING COMMISSION AT ITS REGULAR MEETING OF OCTOBER 20, 2015

PLANNING COMMISSION  
MINUTES OF SEPTEMBER 15, 2015  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer, Weller, Woodruff

MEMBERS ABSENT: None

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Planning & Development Department

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

APPROVAL OF MINUTES

The minutes of August 18, 2015 were approved as written.

APPROVAL OF AGENDA

Chair Spencer requested adding Agenda Item 5 – Division Avenue Form Based Code Update.

Motion by Micele, supported by Woodruff, to approve the revised agenda. Motion carried unanimously.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

All the following comments related to Agenda Item No. 1:

Rich Knapp, 4020 Del Mar View Drive, quoted a section from the February 2014 Planning Commission minutes regarding the Wilson Avenue master plan for this area. At that time the Commission and Granger agreed that single family homes would be the highest and best use of this property, not multiple family. The surrounding neighbors still agree with this statement. He used to live in Chateau Estates, and when the Chateau Village Apartments went in years ago, their property values went down. He did not want this to happen here.

Steve Troemel, 4232 Limousine Ct., speaking on behalf of the Wyoming Citizens for Planned Progress, pointed out the revised plan has the same number of rental units. This is a complete change in direction compared to what was originally proposed. They have sought legal counsel

who has advised them that it is illegal to combine PUD's to meet density requirements. Also, there needs to be consent of the land owners within a PUD in order to change it.

Jason Babiak, 5652 Trinity Lane expressed the need for quality, single family housing options for families who want to purchase a home, not rent.

Rick TenHaken, also speaking on behalf of the Wyoming Citizens for Planned Progress, said the current traffic analysis needs to be updated. A two percent growth projected for Wilson Avenue and one percent growth for other streets in this area is not realistic. The analysis did not include the apartments approved at 52<sup>nd</sup>/Wilson. When Nile Drive extends all the way through, it will have increased traffic. The current property owners purchased their properties based on the Land Use Plan. Their recommendation is to limit the amount of multiple family, keep the PUD's separate and update the traffic study.

Joyce Garcia, 4121 Del Mar Village Drive, read a letter on behalf of Neva Warsen who could not be present that evening. Rental units were never even considered throughout the last 14 years for this property until recently. In the Land Use Plan 2020 it states that homeownership is what sustains a community. This item was tabled in order to revise the plan to reduce the number of rental units. This has not happened.

Teri Troemel, 4232 Limousine Ct., noted there are eight new apartment complexes being built in the Grand Rapids area with 1,400 units proposed. Single family home sales are the best they have been since 2008. Single family homes provide three times more positive impact to a community than rental units.

Mike Moll, 4266 Del Mar Court, asked why they were still considering this plan, and why the Commission has not listened to the neighbors. He asked them to not ruin the only very good area of Wyoming with a high tax base by putting in apartments. The master plan called for single family homes.

Brian Courville, 4235 Ayrshire Drive, pointed out that new apartment construction usually starts out great, but over time deteriorates because there is no sense of ownership from renters. This is prime property to develop beautiful homes.

Cheryl Wanless, 4078 Del Mar View Drive, thought this does not have to come down to money. The developer should compromise at least on the number of rental units.

Mary Connelly, 4487 Penny Lane, said she did not want to see the number of rental units reduced, but eliminated altogether. There are a number of apartment complexes going in right now. The neighbors' voices need to be heard. Single family homes are selling now.

Greg Markvluer of the Granger Group said there are many misconceptions regarding their proposed development. This is not subsidized housing. They are proposing high-end, high-priced rental units. The PUD is designed in compliance with the City of Wyoming's guidelines. The multiple family has been moved away from the current single family homes. There have

been no negative comments from the single family residents who are currently living in the PUD. The Commission has only heard from one group that is a vocal minority.

Bill Jenkins, 5672 Kenstyn Dr., stated that Grandville Schools are already too crowded and are not prepared to handle increased students from new apartment complexes.

Kristin Kuyoc, 5705 Nile Drive SW, said they built their home in 2008. Over time the traffic has increased and she is concerned about the children's safety if apartments bring in more traffic.

Kathryn Thompson, 4074 Del Mar View Drive, said she loves the neighborhood, and bought there based on the Land Use Plan that was in place at that time. She used to live in Kentwood and the number of apartment units ruined that city and its school system.

Chair Spencer closed the public comment period. She remarked that we are all here for the good of Wyoming. The Planning Commission is an advisory board that makes a recommendation to City Council, who makes the ultimate decision. The developer also has the right to propose development of his property. She explained the Commission had voted at the July 21, 2015 meeting to place the Wilson/56<sup>th</sup> rezoning on the table. A motion was needed to remove the item from the table in order for it to be reconsidered.

Motion by Woodruff, supported by Arnoys, to remove the Wilson/56<sup>th</sup> rezoning request from the table. Motion carried unanimously.

#### AGENDA ITEM NO. 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. (Includes Overall Development Plan Approval.)

Cochran presented the petitioner's amended proposal.

#### Amended Proposal:

The general design, number and type of units remain essentially unchanged from that previously considered. The amended Overall Development Plan does show some of the two-story townhomes to be switched with the three story townhomes and stacked flats south of the commercial area. This is intended to provide a better transition from the three story units to the single family residences east of the open space buffer. No changes to the number of owner occupied units from the previous proposal are indicated.

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.

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. The initial staff report dated July 9, 2015 was referenced.

The Development Review Team (DRT) evaluated the amended proposal and determined that the rezoning recommendation would be unchanged from that previously offered. Any residence, including stacked flats, attached townhomes and single family homes within the City, may be owner occupied or rented, unless deed restricted. Such a restriction would be enforced by the ownership association and not the City.

The submitted Traffic Impact Analysis verified that this overall development could be accommodated by the existing streets. However, the refinement of street access locations and designs would be better evaluated with an updated TIA at the time of proposed development of those street connections, other than Nile Drive.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council approval of the subject rezoning. The DRT also recommended the Planning Commission approve through a separate motion the associated amended Overall Development Plan dated August 4, 2015 including the written narrative, subject to the following:

1. City Council approval of the rezoning.
2. Provision of an updated Traffic Impact Analysis for any new street connection to 56<sup>th</sup>

Street or Wilson Avenue, other than Nile Drive.

Lucar proceeded to read the motion that was still on the floor from the July 21, 2015 meeting:

“Motion by Hegyi, supported by Micele, to recommend to the City Council denial of the subject rezoning.” Discussion followed.

Chair Spencer indicated she would have liked to see less rental units in the revised plan, but it is the developer’s right to propose what he wishes.

Goodheart pointed out the original PUD provides for 162 apartment units, so this is not a new concept.

Hegyí asked if the PUD ordinance allows for apartments. Cochran responded affirmatively. Hegyi inquired, if the PUD ordinance allows for apartments, could the City be sued for not allowing them? Cochran could not say, but it is within the developer’s rights to propose apartments within a PUD.

Woodruff inquired whether there can be a restriction on the number of apartments. Cochran replied the City Council has the authority to rezone property, and the Planning Commission can negotiate with the developer on items in the Overall Development Plan.

Chair Spencer asked if there was a percentage limit as to the number of apartments in the city. Cochran responded it is not legal to place a cap on the number of apartments within the city.

Postema questioned whether the PUD met the open space requirements calculation. He was not sure whether wetlands could be counted as green space. He also thought Granger should have come back with some concession regarding lowering the number of apartment units.

Greg Markvluwer of the Granger Group replied that they have weighed and considered the plan proposed and have based it on market studies. The demand for condominiums is not high. They are below the number of rental units allowed in a PUD.

Postema asked who would be responsible for the cost of maintaining the community building and pool. The people that already live in the PUD may not wish to contribute. Markvluwer indicated the new people buying in would contribute and the existing people would have a choice.

Bueche thought the wetlands have been defined quite well. Postema pointed out the open space can only utilize a certain percentage of the wetlands in the calculation. The exact amount of open space needs to be defined. Chair Spencer noted Staff believes this plan meets all the requirements.

The vote on the motion to deny the subject rezoning failed 4 – 5, with Arnoys, Bueche, Goodheart, Spencer and Weller opposed.

Motion by Postema, supported by Micele, to table this item to determine the open space calculation and additional information regarding property owner maintenance agreements. Motion carried 7 – 2, with Arnoys and Goodheart opposed.

AGENDA ITEM NO. 2

Election of Secretary.

Chair Spencer opened the nominations for the position of Secretary. Hegyi nominated Woodruff. Woodruff accepted the nomination. There were no other nominations and the nominations were closed. The nomination stood and Woodruff was elected for the position of Secretary.

AGENDA ITEM NO. 3

Zoning Ordinance Reformat Schedule

Cochran noted the joint meeting between the Planning Commission and City Council will be postponed until sometime in November. The full draft of the reformatted Zoning Ordinance would be distributed to them ahead of time for review purposes.

AGENDA ITEM NO. 4

Michigan Association of Planning Conference – Oct. 7 – 9 Detroit

Cochran announced, if any Commissioners wished to attend the annual MAP conference, they were to contact Kim Lucar.

AGENDA ITEM NO. 5

Division Avenue Form Based Code Update.

Cochran noted a presentation was given to the Division Avenue Business Association on the Division Avenue Form Based Code last Thursday. The people in attendance seemed very supportive. Micele had spoken to some of the Division Avenue business owners, and they are in favor of the plan and want to see positive change for this area.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at approximately 8:20 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission