

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF NOVEMBER 17, 2015

PLANNING COMMISSION
MINUTES OF OCTOBER 20, 2015
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

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

MEMBERS ABSENT: Goodheart, Woodruff

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.

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

APPROVAL OF MINUTES

The minutes of September 15, 2015 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

Steve Troemel, 4232 Limousine Ct., speaking on behalf of the Wyoming Citizens for Planned Progress, gave a summary of the issues they are opposed to regarding the Granger development. The developer has made no effort to compromise on these issues and reduce the number of rental units. The original PUD called for 160 rental units and he is proposing 454 rental units. Also, they believe Commissioners Bueche and Goodheart still have a conflict of interest in voting on this item because they received financial gain from it in the beginning stages of the development.

Joyce Garcia, 4121 Del Mar Village Drive, said the Granger proposal is a complete change in direction compared to what was originally proposed. This could be a win for the City, the developer and the neighborhood if Granger would only compromise in reducing the number of rental units.

Rich Knapp, 4020 Del Mar View Drive, noted this is the last large piece of land in the panhandle that is ripe for development of quality homes. Instead, the developer wants to flood it with apartments. Granger should make money, but not to the detriment of the neighborhood.

Emily Foster, 5741 Nile Drive, did not want this many apartments. She is worried about the increased traffic on Nile Drive and the apartments decreasing their home values.

Lauren Nykamp, 3477 Danube Drive, does not want these apartments built. She is the mother of young children and is worried about their safety.

Joe Herrick, 3579 Yukon Drive, is worried about the apartments causing a decrease in property values. He did not want that many apartments near his home.

Doug Terpstra, 3500 Danube Drive, does not want to be part of this PUD. There is nothing in his deed stating his property is in this PUD.

Pam Benzie, 5680 Nile Drive, did not like the idea of her property being included in the PUD. The number of apartments proposed is way too high.

Juan Kuyoc, 5705 Nile Drive, said the traffic is already going fast down his street and the apartments will make it worse. People will use Nile Drive as a cut-through route. He also objected to being part of the PUD.

Tony Arbanas, 4469 Penny Lane, was opposed to this project. He quoted a section from the Wyoming Land Use Plan 2020 regarding preservation of natural features in the panhandle area.

Greg Mallis, 5738 Rhine Ct, did not approve of the large number of apartments proposed, and did not want to be part of the PUD.

Jason Gillett, 3489 Danube, was unaware his property was being included in the PUD. They moved to this area to be away from apartments.

Maria Zuidema, 3450 Yukon Drive, was not aware of the new PUD zoning and did not want to be included in it. She opposed the high number of apartments proposed.

Josh Wease, 3533 Yukon Drive, thought 454 apartment units would decrease their property values and cause traffic problems. They will also cause a burden on the school system.

Clarence Heid, 3539 Yukon Drive, was not aware of the PUD at all. He was opposed to any type of apartments here. Nile Drive will become a cut-through for traffic.

Keith Ritsema, 3491 Yukon Drive, was against the apartments and the high density proposed for this development.

Michelle Terpstra, 3500 Danube, did not approve of the number of apartments proposed. She was not aware that her property was zoned PUD.

Neva Warsen, 4149 Del Mar Village Drive, said she was shocked to see the drastic change in this plan that was presented in December 2014 compared to that which was originally proposed. There is an increase from 160 apartments to 454 apartments. Also Commissioners Bueche and Goodheart had previously abstained from voting on this development in 2014 due to a business conflict, but they are allowed to vote today. Almost a year later, the developer still has not compromised on reducing the number of apartments. She asked the Commission to vote down this proposal.

Brian Karsten, 4110 Del Mar Village Drive, reminded the Commission of what happened when apartments took over Kentwood and how those apartments have deteriorated. He also pointed out the deteriorated rentals along Taft Avenue in Wyoming. Granger has completely snubbed the Planning Commission and the neighbors by not reducing the number of apartments.

Brian Courville, 4235 Ayrshire Drive SW, disagreed with the data provided earlier in this process that Millennials want to rent high-end apartments. He found data to the contrary stating that, though Millennials may start off in apartments, most end up buying a home in the suburbs. Sixty-eight percent of Millennials are now first-time homebuyers.

Gordon VanderMeulen, 4186 Del Mar Village Drive, thought Cochran and Rynbrandt did a great job for the City and advocating for the developer, but who is advocating for the neighbors? We need to balance developer and property owner rights. The current property owners have already made a significant investment in their homes. He thought the developer should stick with the 160 apartments originally proposed.

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.) Request for Special Use Approval for The R Group Retail Center Drive Through Restaurant. The property is located at 4992 Wilson Ave SW. (Section 29) (The R Group) (Includes Site Plan Approval)

Cochran summarized the amended proposal. This request was considered by the Planning Commission and tabled for a second time at the September 15, 2015 meeting. The Planning Commission asked for greater clarification on the ratio of open space encumbered by wetlands and greater detail on the ownership and role of any associations in maintaining common elements within the development. The information was provided to the Commissioners, and

additional information was provided before the meeting mapping out the basic wetlands structure and open space locations.

Staff Summary:

This request would need to be removed from the table for discussion and recommendation.

The information provided by the petitioner begins to address the ownership and maintenance of the PUD's common elements. If determined to be acceptable by the Planning Commission, provision of the fully detailed Home and Property Owner Association Documents and Deed Restrictions for City Attorney review could be made a condition of approval for the next phase of development.

The Zoning Ordinance requires a minimum of 15% open space in the PUD. For the total 211.2 acre site, this results in 31.7 acres of open space required. In addition, no more than 35%, or 11.1 acres, can be regulated wetlands. This calculation does not include the 27 acre City owned regional detention basin, which may eventually include a walking path for the residents. The PUD otherwise provides a minimum of 38.5 acres of open space. The provided information references an MDEQ wetland permit from 2006. Although the information provided does not directly connect the regulated wetlands to all of the proposed open space areas, it does show the primary 23.8 acre nature reserve encumbered by approximately 1 acre of wetlands, leaving 22.8 acres upland. The remaining required 9 acres of unencumbered open space would occur within the 9.6 acre green buffer, the 5.1 acre community building and park, and the previously uncounted but viable open space areas scattered within the multifamily areas. The provided information is adequate for staff to conclude the minimum requirements for open space have been exceeded.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council approval of the subject rezoning. The DRT also recommends 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 56th Street or Wilson Avenue, other than Nile Drive.
3. Provision of Homeowner and Property Owner Association Documents and Deed Restrictions with the next phase of development.

Motion by Arnoys, supported by Postema, to remove the Wilson/56th rezoning request from the table. Motion carried unanimously.

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

Postema expressed concern about the lack of information the Commissioners were supplied with in response to their questions at the last meeting. The map supplied before the meeting designating the wetlands areas is not legible. He thought the layout of the PUD is better than what was previously proposed. He thought the number of apartments was excessive. All the previously approved PUD's have some multiple family that was rental and some owner-occupied. If some of the multiple family was owner-occupied, he would vote in favor of the project.

Hegyí was disappointed with the information provided previously that Millennials do not want to buy homes. He also did not agree with the high number of apartments proposed.

Arnoys was also disappointed that there was not a reduction in the number of rental units in the revised plan. On the other hand, he presumed the Del-Mar Condo residents would rather see residential and apartments across the street from them rather than possible commercial. He knew the Commission needed to make a decision that evening instead of tabling once again.

Weller pointed out there were several new residents speaking at the meeting tonight. Were they notified of the previous meetings? Cochran responded affirmatively. The hearing notices for rezonings are sent to everyone within 600 feet of the proposal.

Bueche asked Cochran to address the statements from property owners that they didn't realize their properties were in the PUD. Cochran showed the original plan compared to the existing zoning. From a zoning standpoint, the existing two subdivisions were always zoned PUD.

Postema thought there would be future problems for the developer in that the existing homeowners may not want to participate in the costs for maintenance of common areas such as the community building, landscaping, etc.

Weller knew Granger would do a great job with this development, but he did not care for the density of the rentals.

Micele agreed with Hegyí and Postema regarding the lack of response from Granger to their questions. He thought the development will eventually be built, but a better compromise needs to be reached regarding the number of rental units.

Chair Spencer clarified that the City does not bring these proposals forward, it is the developer, and he has that right. The property will eventually be developed, and all single family homes is not realistic. She also had hoped Granger would have come back with a compromise on the number of rental units.

A vote on the motion carried 5 – 2, with Bueche and Weller opposed.

Cochran informed the audience that the rezoning proposal may be on the City Council agenda of November 2, 2015.

AGENDA ITEM NO. 2

Request for Special Use Approval for Jimmy John's Drive Through Restaurant. The property is located at 485 – 44th Street, SE. (Section 19) (Jerry Heath) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to renovate the existing bank building of 1,975 square feet into a restaurant with drive through service.

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.

This proposed drive through restaurant will repurpose and upgrade a building that has been vacant for several years. Jimmy John's is a quality restaurant and would be an enhancement to this area. There will be no adverse 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. Adjacent to this property is a restaurant also with a drive through service. The proposed use is consistent with the Zoning Ordinance.

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

The potential restaurant has direct access to 44th Street. No adverse traffic impacts are anticipated from the proposed use.

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

The potential drive through restaurant will occupy a vacant property and will have no blighting influence on neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

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

Staff had no additional comments.

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

Staff had no other concerns.

Staff had the following added site plan comments:

1. Best Management Practices for storm water quality plans shall be approved by the Engineering Department.
2. An ADA accessible pedestrian route from the 44th Street sidewalk to the entrance of the building shall be provided.
3. The building façade incorporates extensive brick and windows. The buildings appearance will be an asset to the corridor. The proposed façade is adopted as part of the Site Plan Approval.
4. A landscape plan has been provided for this project and is adopted as part of this Site Plan Approval. Irrigation in the front yard area is required to be provided and maintained.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Jimmy John's will be a quality restaurant in the 44th Street area that is in need of additional business investment. Such a business would contribute to the city's economic and social strength. The proposed Jimmy John's Drive Through Restaurant conforms to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Jimmy John's Drive Through Restaurant per the findings of fact. Staff also recommended granting Site Plan Approval in a separate motion subject to conditions 1 - 4 noted.

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

Motion by Micele, supported by Hegyi, to grant Special Use Approval for Jimmy John's Drive Through Restaurant per the findings of fact. Motion carried unanimously.

Motion by Bueche, supported by Micele, to grant Site Plan Approval subject to conditions 1 – 4 noted. Discussion followed.

Bueche asked if one handicapped parking space was acceptable. Cochran said the general rule is one handicapped space per 25 parking spaces, but he would check it again.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Request for Special Use Approval for The Collectors Resource Secondhand Business.
The property is located at 2418 – 28th Street SW. (Section 16) (Tony Pucilowski)
(Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to establish a comic book and collectables store within the multi-tenant building. The business has recently opened, but is currently providing only new goods with the future sale and purchase of secondhand items being withheld pending authorization from the Planning Commission.

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.

This proposed business will occupy a small and available commercial tenant space. The proposed business is specialized and low volume, which may be able to thrive in this somewhat hidden location. The site is a tenant space within a large multi-use commercial building. There will be no adverse 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. Within this general area are other secondhand business uses. The proposed use is consistent with the Zoning Ordinance.

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

The site has direct access to 28th Street. No adverse traffic impacts are anticipated from the proposed use.

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

The proposed business will occupy a vacant commercial space and will have no blighting influence on neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

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

Staff had no additional comments.

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

Staff had no other concerns.

Staff had the following added site plan comments:

1. There are no changes proposed to the site with this business use. No conditions are requested by staff.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Collectors Resource will be a unique business in the 28th Street corridor that is in need of additional business investment. Such a business would contribute to the city's economic and social strength. The proposed Collectors Resource conforms to the City of Wyoming Sustainability Principles.

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

Motion by Hegyi, supported by Arnoys, to grant Special Use Approval for The Collectors Resource Secondhand Business per the findings of fact. Motion carried unanimously.

Motion by Bueche, supported by Micele, to grant Site Plan Approval. Motion carried unanimously.

AGENDA ITEM NO. 4

Request to amend Zoning Ordinance Section 90-951-952 PUD-3 Planned Health Care District Permitted and Special Uses to allow a car wash establishment. (JM Land Holdings LLC)

Cochran described the proposed amendment. The petitioner desires to amend the PUD-3 Planned Health Care District permitted or special uses to include car wash establishments. A Southland Auto Wash facility is desired to be constructed at the southeast corner of Byron Center Avenue and Metro Way. If the Zoning Code is amended to either allow the use by-right, or by special use approval, then detailed plans would be submitted to the City for approval.

Planned Health Care District:

In 2001, the City began working closely with Metro Health on the creation of a unique health care campus. Subsequently, standards were created in the Zoning Ordinance establishing the PUD-3 district and regulations. In 2003 the property was rezoned. The initial developmental concept for the campus established the hospital at the center, with office and related uses surrounding to the north, east and south. To the west an urban village was intended extending to Byron Center Avenue. The detail on this concept is from the original PUD document. As Metro Health Village began construction, and new and unforeseen development proposals came forward, the PUD continued to evolve. The land use arrangement on the campus is now nearly fully realized, and is now most clearly represented on the Site Condominium Plan.

Commercial Uses within the PUD-3 District:

When the PUD-3 district was created, it was decided to allow only B-1 Local Business uses in the commercial area which can be generalized as those uses which occur entirely within a building. The permitted and special uses allowed in the district were provided. There was no intent to allow the far more ranging B-2 General Business uses, which include auto related businesses. In Wyoming, a car wash establishment is a special approval use only in the B-2 General Business District and one context area of the Form Based Code district. A Zoning Code amendment did occur in the PUD-3 district to allow a C-store in combination with the Family Fare Grocery. The desire for a grocery to service this area, along with the Spartan Store connection to the YMCA, were influences in this decision. In addition, the opportunity for drive through restaurants was recently added to the district, as it was throughout all commercial areas of the City. This was not done to necessarily endorse national franchise fast food chains, but to acknowledge that drive through services can be integrated into an urban setting with proper design.

Development Review Team Considerations:

Staff is concerned that the development of a car wash at Metro Health Village would change the essential character of the developing commercial area from the desired urban form. Nearby B-2 zoned areas, such as along Wilson Avenue and M-6, or along Clyde Park Avenue south of 54th Street, would permit this use. The high traffic volumes on Byron Center Avenue, along with the high employment and visitations for health services, makes the frontage properties highly desirable for businesses that can capture this traffic. Such uses generally do not contribute to the overall character of unique places. The desired car wash site was approved by the Planning Commission in 2007 for a Macatawa Bank. Other office, or commercial uses more appropriate for the Metro Health Village are available.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council denial of the proposed amendment to the PUD-3 Planned Health Care District.

Chair Spencer opened the public hearing.

Doug Kochneff, 4517 Canterwood Drive NE, Ada, noted Southland Auto Wash is a unique, quality business. He has done business with them for over 38 years. He thought they would fit in well with this PUD.

Chair Spencer closed the public hearing.

Petitioner Steve Witte of Nederveld Associates, representing Southland Auto Wash, pointed out the car wash use compliments the uses that are already within this PUD. Its close proximity to M-6 and Byron Center Avenue results in high traffic volumes and a high demand for this type of use.

Motion by Weller, supported by Postema, to recommend to the City Council denial of the proposed amendment to the PUD-3 Planned Health Care District. Discussion followed.

Postema asked if staff would view this use differently if it was located by a gas station. Cochran said no. When the gas station was approved it was considered an accessory use to the supermarket. There was also a gas station in close proximity on Gezon Parkway.

Bueche pointed out the typos in the submitted narrative describing the project.

Weller indicated he is for business and for Southland Auto Wash, but he did not think it fit within this PUD-3 zone.

Postema agreed with Weller and thought it should be accompanied by a gas station.

Bueche asked if they intended to furnish gas, similar to their operation on 28th Street. The petitioner said no. He pointed out they intend to construct a very nice building here.

Chair Spencer said she did not feel comfortable having a car wash here.

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

AGENDA ITEM NO. 5

Request to amend the Del Mar Farms PUD Overall Development Plan to include a skilled nursing facility. The property is located at 4051 Del Mar Drive. (Section 31) (Steve Zuiderveen)

Cochran described the location, existing land use and current zoning around the area. Del Mar Farms is a Planned Unit Development that has an adopted land use governing Overall Development Plan. The PUD-1 district permits a wide range of land uses within the Zoning Ordinance parameters, such as commercial, office, multifamily and single family residences. The

ODP was originally approved by the Planning Commission in October 1997. The area proposed for amendment is at the southeast corner of 56th Street and Wilson Avenue. The ODP identifies this 7.5 acre area for local business proposes. The petitioner has optioned this property for the purpose of developing a 96 bed, one story, skilled nursing center on the majority of the site in the next few years. In addition, a remnant area of 1.4 acres would be retained along the frontage of Wilson Avenue for commercial purposes. The proposed amendment to the ODP is a major change as identified under Section 90-62 (2) d. of the Zoning Ordinance and must be authorized by the Planning Commission.

Overall Development Plan Amendment History:

1. The 1997 ODP was initially approved for a senior assisted living facility on property to the west across Ayrshire Drive. In April 1999, site plan approval was granted by the Planning Commission for the construction of a 124 unit, two story multifamily senior housing. That development did not occur.
2. In January 2007, the City Council, with recommendation from the Planning Commission, removed the 6.5 acre area intended for the senior assisted living facility from the PUD and rezoned it to RO-1 Restricted Office. Subsequent office development has occurred.
3. In December 2008, a one acre area at the southeast corner of Del Mar Drive and Ayrshire Drive was also removed from the PUD by the City Council upon recommendation from the Planning Commission and rezoned to RO-1 Restricted Office. Development on that site has not occurred.

Land Use Considerations:

1. The Wilson Avenue corridor is intended for a mixture of commercial, office and multifamily developments. Commercial developments are currently at the northeast and northwest corners of Wilson Avenue and 56th Street, with an additional 10 acres of commercial use at the southeast corner currently under consideration. The subject property is viable for a wide range of land uses, other than single family residences.
2. The prior considerations and approvals for senior multifamily housing in the Del Mar Farms PUD indicates the viability of such a development at this corner. However, market forces dictated that such developments were not viable at those times. Given the current demand for senior facilities within Wyoming, it appears the proposed skilled nursing facility may now be desirable.
3. The proposed development plan for the site was created using the footprint from an existing area facility. The building would be one story and of residential character. Generous and attractive greenbelts would be incorporated. With the approval of the amendment to the ODP, a detailed site plan for the development

would be required for approval by the Planning Commission before construction could occur.

4. All property owners of record within the Del Mar Farms PUD were noticed of this proposed amendment. Endorsement of the amendment has been provided by the Del Mar Farms Homeowners Association.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. A skilled nursing center in this developing area of Wyoming would provide a much needed service for area residents. Such a facility would contribute to the city's economic and social strength. The proposed skilled nursing center within the Del Mar Farms PUD conforms to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission approve the proposed amendment to the Del Mar Farms PUD Overall Development Plan as requested.

Motion by Arnoys, supported by Micele, to approve the proposed amendment to the Del Mar Farms PUD Overall Development Plan as requested. Discussion followed.

Postema asked if this was a State licensed facility. Petitioner Steve Zuiderveen, CEO of Sunset Manor, responded affirmatively. They currently own Brookcrest Nursing Home and would like to expand to this location.

A vote on the motion carried unanimously.

INFORMATIONAL ITEMS

Zoning Ordinance Reformat Schedule

Cochran said staff anticipates receiving the draft Zoning Ordinance by the end of the week and will forward it to the Commissioners for their review.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 8:45 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission