

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF DECEMBER 20, 2016

PLANNING COMMISSION
MINUTES OF NOVEMBER 15, 2016
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

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

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 October 18, 2016 were approved as written.

APPROVAL OF AGENDA

Chair Spencer proposed adding an additional informational item to the agenda – Election of Vice Chair at the December meeting and also consideration of a Planning Commissioner representative to the Board of Zoning Appeals. The agenda was approved as revised.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to rezone the Division Avenue corridor from Alger Street to 60th Street from B-2 General Business, B-3 Planned Business, R-2 Single Family Residential, R-3 Two Family Residential and I-1 Light Industrial to Form Based Code. (City of Wyoming Planning Department)

Cochran described the proposed rezoning:

Form Based Codes:

Form Based Code (FBC) is a specialized zoning district distinct from conventional zoning standards utilized by most communities. An FBC places great importance upon building placement and appearance with less emphasis upon land use. Conventional zoning places great emphasis on land use with building placements that are far more flexible. Under conventional zoning, building appearance is generally left to the developer's interests. An FBC is utilized when it is the community's desire to either maintain, or create, a distinct character for an area. The overriding intent is to fortify an area to promote economic and social development in such a manner that it can readily adapt to changing conditions over time.

The Basis for Creation of the FBC:

The initial FBC for the City of Wyoming was developed as a means to implement a redevelopment vision for the area of 28th Street surrounding City Hall. Over a two- year period, a steering committee working with a consulting team and the community created a comprehensive FBC to implement the goals and guide economic redevelopment of the area. This FBC was adopted by the City Council in December 2013, and subsequently was applied to the 28th Street corridor between Clyde Park Avenue and Burlingame Avenue.

FBC Applicability to Division Avenue:

During the process of developing the FBC, it became apparent to many that its applicability may also be appropriate in other older established areas of the community. One such corridor, Division Avenue, was the City's primary commercial corridor prior to the development of U.S. 131. Businesses flourished serving the emerging neighborhoods that branched out along the corridor. Several hundred affordable post WWII housing units were constructed to meet the demand. As commercial development occurred along 28th Street in the 1960's and 1970's, it had a profound negative effect along Division Avenue as the economic focus was transferred. Population demographics changed along with buying habits leaving property decline and disinvestment. Division Avenue commercial properties may now be defined as an aged suburban commercial corridor, with a high preponderance of auto related business uses. However, the adjoining neighborhoods in very close proximity are stable, with affordable, working class homes. Public schools and parks are interwoven throughout the corridor. Area demographics now include sizable populations of African American, Latino-Hispanic and Asian people.

The Division Avenue corridor is also uniquely poised to take advantage of Federal, State and local investment opportunities in the future. In August 2014, the SilverLine Bus Rapid Transit (BRT) system became operational. This BRT represents a \$39 million investment in reinventing our community. The BRT is the centerpiece of the entire Grand Rapids metropolitan transit system. Its primary purpose is to link outlying residential areas with jobs, commerce, education, and entertainment in the downtown area. Its secondary purpose is to promote economic and housing opportunities along the corridor. The potential for new residential developments catered to those who are, or choose to be, less reliant on cars is significant. Such developments would replace older obsolete commercial developments. Residents within the corridor area will have

more discretionary disposable incomes due to a lesser dependence on cars. This increase in corridor population, in conjunction with more disposable income, will provide opportunities for new business development that could take advantage of this.

Essential to enhancing these opportunities is the relationship of buildings to the public streets to make the corridor more pedestrian oriented. Buildings should be in close proximity to provide visual stimulation, promote merchandise, and define public space. Each development must contribute to, and reinforce, this overall concept. Gaps between buildings should be minimized to maintain continuity. Parking for vehicles should generally be provided to the side or rear of a business. The streetscapes must be attractive, vibrant and safe. These concepts to promote walkability and street vitality were put forward by Dan Burden, an internationally renowned community reinventing expert, with his Division Avenue audit that was held along this corridor in August 2012.

Collaboration with the City of Kentwood:

In February 2014, the Cities of Wyoming and Kentwood formed a joint a steering committee to consider the desirability of applying different zoning requirements to the Division Avenue corridor. Ideally, both communities would have comparable development standards to evolve the corridor unto a cohesive place. This compatibility would also provide confidence to developers that redevelopment investments would integrate with future surrounding projects. The committee was comprised of representatives from the Planning Commission, City Commission and planning department staffs of both Wyoming and Kentwood. In addition, the committee members included business owners, public school administrators and commercial real estate professionals active in the corridor. Division Avenue extends 4 ½ miles through the City of Wyoming from Alger Avenue to 60th Street. It extends over two miles through Kentwood from 43rd Street to 60th Street along the east side of Division Avenue.

Through evaluation for over a year, the committee determined that the FBC applied to 28th Street would also be appropriate for Division Avenue, however in a condensed format. They found that two of the six context areas within the established FBC, along with most of the associated standards, would be appropriate for Division Avenue. The two context areas are Corridor General and Corridor Edge. The Corridor Center, Corridor Urban, Corridor Sub-Urban, and Corridor Neighborhood context areas were dismissed primarily due to a desire to integrate new development with the existing development pattern of the corridor. With these recommendations, informational presentations were held with the Division Avenue Business Association, the Kelloggsville School Board, the Godfrey-Lee School Board, and others.

FBC Standards Summary:

The existing development pattern of Division Avenue generally encompasses small, narrow lots, with limited depth beginning just south of 50th Street and extending north into Grand Rapids. Many of these post WWII developments placed the buildings in close proximity to the street. It is in this area that the Corridor General Area would be applied. The corridor south from this point opens up to much larger parcels with a much greater depth. The development pattern here

is newer and more suburban. It is here that the Corridor Edge Area would be applied. (See attached context area map). Throughout the corridor, it is the intention to replace the existing B-2 General Business zoning with the FBC for those frontage properties. The abutting neighborhoods would remain untouched through this rezoning. If a development proposal were to come forward that would need additional residential properties to be both viable and community desirable, that would be evaluated through the public hearing process on a case-by-case basis.

A synopsis of the Corridor General Area and Corridor Edge Area follows:

Corridor General Context Area:

“The Corridor General Area represents a traditional urban development pattern with mixed use, retail, live/work and apartment buildings. The Area is characterized by a variety of building types set relatively close to the sidewalk, but also allows a range of building placement options that permit a varied street wall.”

Building Types Permitted With Required Front Yard Setbacks:

- Mixed Use Building- Zero setback
- Zero Lot Line Retail Building-Zero setback
- Retail Building – 5 to 15 foot setback
- Live / Work Building – 5 to 20 foot setback
- Apartment Building – 8 to 30 foot setback

Corridor Edge Context Area:

“The Corridor Edge Area represents a district which transforms from more urban districts to the existing development pattern of the City. This area promotes retail and residential uses with building placement that is more consistent with existing City development patterns and includes the flexibility of locating limited parking in the front of retail buildings.”

Building Types Permitted With Required Front Yard Setbacks:

- Retail Building – 5 to 50 foot setback
- Live / Work Building – 5 to 15 foot setback
- Apartment – 8 to 30 foot setback
- Rowhouse – 5 to 15 foot setback
- Two-Family House – 15 to 35 foot setback

Adoption of the FBC and Rezoning:

With the steering committee recommendations, the City amended the FBC to incorporate the standards desired for Division Avenue. That amended FBC was reviewed and recommended for approval by the Planning Commission and forwarded to the City Council, who adopted it in August 2016. The FBC may be accessed at the front page of the City Of Wyoming website

www.wyomingmi.gov. City staff subsequently held a public information meeting on September 26, 2016. Over 3,600 invitations were sent to affected and nearby property owners along the corridor to inform them of the proposed zoning changes. Approximately 50 people attended this meeting. The meeting minutes are included with this report. Those who attended left with a more thorough understanding of what the FBC is intended to accomplish. City staff then initiated the rezoning of the corridor to FBC.

It should also be noted that The City of Kentwood is currently developing their own FBC, guided heavily by the City of Wyoming FBC, to be implemented along their eastern 2 1/4 miles of the corridor.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council approval of the proposed rezoning of the Division Avenue corridor to Form Based Code.

Chair Spencer opened the public hearing.

Eileen Roberts, 30 Celia St. SW, lives on a cul-de-sac street with businesses at the end of the street on Division Avenue. How will this rezoning affect the businesses and residents, and will their property taxes be raised?

Dave Hanenburg, who lives on Earl Street in Grandville, and owns a business at the 5700 block of Division Avenue, is not opposed to the rezoning, but he did not think this type of zoning fit all the properties along the corridor.

Doug Stassen, 5831 S. Division, owns six acres at the southern portion of Division Avenue. He asked the difference between B-2 and B-3 zoning. He also expressed concern about the delay in the sewer system being installed south of 54th Street. It was supposed to be constructed with the bikeway. He did not understand why this section of Division Avenue has been forgotten as far as water and sewer.

Emily Wilson, 52 Wadsworth St. SW, asked how this rezoning would affect existing businesses.

Marian Slagel, 53 - 43rd Street SW, asked how the residents within 600 feet of the properties to be rezoned would be affected.

Chair Spencer closed the public hearing.

Motion by Hegyi, supported by Smart, to recommend to the City Council approval of the proposed rezoning of the Division Avenue corridor to Form Based Code. Discussion followed.

Cochran proceeded to address the questions raised at the public hearing. He noted, for the people who live within 600 feet of the 330 properties to be rezoned, their properties will not be affected. The City is required to notify residents within 600 feet of a proposed rezoning. With

the Form Based Code in place, over time significant change should take place along the corridor. Properties will most likely be bought up along Division Avenue and redeveloped. Addressing the question regarding the cul-de-sac street, this is a proposed rezoning change, not a redevelopment plan. If there were ever requests to re-open a cul-de-sac street, the residents would be notified of a Planning Commission public hearing. Regarding residential property taxes, there will be no impact from the rezoning. As properties are redeveloped along Division Avenue, their property values should increase. As far as the difference between B-2 General Business and B-3 Planned Business zoning, B-2 is a general business district and B-3 is a shopping center district. Regarding the delay with the sewer system on the south end, the City had hoped it would be constructed this year, but there have been delays with Consumers Energy and MDOT. The Interurban Trail agreement needs to be worked out with Consumers Energy before moving forward. As far as land use, the Form Based Code is more flexible than the existing codes. There are many existing properties that will be brought into greater conformance with the new code. Chair Spencer asked how the rezoning would affect the surrounding residents. Cochran replied that a faltering Division Avenue negatively affects surrounding home values. A redeveloped Division Avenue will increase home values.

Goodheart referred to the letter received from Mr. and Mrs. Hanenburg, property owners at 5715 S. Division. Would his property become a non-conforming use? Cochran replied that every use that is there can carry on as currently. There are many properties that are currently non-conforming that will be brought into greater compliance with the new zoning. Goodheart asked if residential can be developed. Cochran responded affirmatively, except for single family residential. For example, there could be multiple family or multi use development with businesses on the bottom and residential on the top. Goodheart asked how it was decided as to which properties would be included in the rezoning. Cochran replied, in general, the properties currently zoned commercial were proposed for the rezoning and the residential properties left alone.

Postema thought the 54th Street area of Division Avenue was originally proposed for more density. Cochran responded that the higher density still could happen. The Planning Commission will have Special Use Review to consider greater densities.

Weller agreed with the rezoning, but thought it may be better done in sections, since the area south of 54th Street has large lots and may not conform as well. Chair Spencer thought the rezoning would give property owners more possibilities. Many developers will be attracted to the ease of development with the Form Based Code.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request to rezone 0.37 acres from B-1 Local Business to R-4 Multiple Family Residential. The property is located at 965 – 36th St SW. (Section 14) (Garr Russell)

Cochran described the location, existing land use and current zoning around the area. In 2006,

the non-conforming large single family residence on this property was converted to commercial / office use. This included construction of a parking lot, a barrier free ramp, and internal building modifications. Subsequently, the current property owner has determined this to be an impractical use of the property. He desires to convert the building into a two unit residence. The most practical zoning to accomplish this is the requested R-4 Multiple Family, which is also the adjoining zoning to the west and south.

Staff Comments:

1. This area of 36th Street has several single family residences and small apartment buildings. The proposed redevelopment of what once was a single family residence into two units would blend into this pattern.
2. The aging commercial area at 36th Street and Clyde Park Avenue has struggled to retain and attract business uses. It is doubtful this will change significantly in the near future. The reuse of this property for residential purposes is highly viable.
3. The City of Wyoming Land Use Plan was adopted in 2006. This site is recommended for Medium High Density Residential Use (6-16 units per acre). The proposed two unit residential use equates to 5.4 units per acre and conforms to the Land Use Plan's recommendation.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed rezoning and subsequent redevelopment would be beneficial to this predominantly neighborhood area. The redevelopment would repurpose an under-performing commercial property. Converting to residences will contribute to the social equity of this area of Wyoming. The conversion will also provide an economic benefit to the property owner. The proposed rezoning and subsequent redevelopment conforms to the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council approval of the subject rezoning.

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

Motion by Weller, supported by Arnoys, to recommend to the City Council approval of the subject rezoning. Discussion followed.

Hegyí asked what would become of the parking lot. Cochran replied it would remain there.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Election of Vice Chair at the December meeting and also consideration of a Planning Commissioner representative to the Board of Zoning Appeals.

Rynbrandt congratulated Rob Postema on successfully being elected to the position of City Councilmember 3rd Ward. He will be sworn in at the November 21st City Council meeting. There will now be a vacancy on the Planning Commission and a need to elect a new Vice Chair at the December Planning Commission meeting. People interested in applying for this vacancy should contact the City Clerk soon. Also at the December meeting, the Planning Commission must decide whether they wish to exercise their right to recommend a Planning Commissioner to serve on the Board of Zoning Appeals. Postema is currently serving in that capacity. Chair Spencer asked what that role would entail. Cochran explained that the Board of Zoning Appeals meets the first and third Monday each month at 1:30 p.m. They consider about 40 variance requests per year. Some of these are generated from conditions placed on Site Plan Approvals by the Planning Commission. Staff makes recommendations to the Board of Zoning Appeals whether to approve or deny. Postema expressed the value of having a Planning Commissioner on this Board. He encouraged the Commissioners to consider serving.

PUBLIC COMMENT

Kristen Tran-Lieu, 4049 S. Division, is interested in converting her property to multi-use development. She asked how this would affect her property taxes. Rynbrandt said she would connect her with the Assessor's Office in this regard.

Brandon Wilson, 52 Wadsworth, asked if any developers had submitted plans so far with the Form Based Code concept. Cochran replied there has been some interest from developers. There will most likely be more interest once the sewer is in place on the south end. Some developments have already been aligned with the Form Based Code, such as the new Dollar General.

Rynbrandt mentioned the City is starting the process for accreditation as a Redevelopment Ready Community through the Michigan Economic Development Corporation, which will make the City more competitive for future grant opportunities.

Micele and the rest of the Commissioners congratulated Bill Hegyi for serving on the Planning Commission for the past 20 years.

Postema expressed his appreciation for the opportunity to serve on the Planning Commission. The Commissioners congratulated Postema and wished him well on his new position on the City Council.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

David Micele, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission