

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF MARCH 18, 2014

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

MEMBERS PRESENT: Goodheart, Hegyi, Micele, Postema, Spencer, Woodruff

MEMBERS ABSENT: Arnoys, Bueche, Weller

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

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

Motion by Woodruff, supported by Micele, to excuse Arnoys, Bueche and Weller. Motion carried unanimously.

APPROVAL OF MINUTES

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

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no comments.

AGENDA ITEM NO. 1

Request for Special Use Approval for Goddard Day Care. The property is located at 5811 Byron Center Avenue, SW. (Section 33) (First Companies) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to construct an 8,400 square foot day care center on 1.3 acres. The balance of the property (fronting on Byron Center Avenue) is desired for commercial use. This property is part of the Bayberry Farms PUD. The Overall Development Plan (ODP) for the PUD was

approved by the Planning Commission in 1995. That Plan provided the conceptual layout for all phases of development within the PUD. In this particular area, the Plan envisioned a bank and two office buildings. Through site plan approvals and rezonings, the Planning Commission and City Council have authorized numerous changes from the initial ODP, in reaction to evolving market changes along the Byron Center Avenue corridor.

This day care center use requires Special Use Approval 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.

Day care centers have both residential and commercial characteristics. This building has a residential appearance. The day care service includes infant, toddler, preschool, kindergarten and school age programs. The day care will primarily service the residents within Bayberry Farms and the Metro Health business area. There is a PUD open space area to the west. The day care use is perceived to have no substantial and adverse effect 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. The Planning Commission approved the Appletree Day Care Center in the nearby area along 56th Street. As stated above, the day care use is envisioned to provide service to the residents of Bayberry Farms PUD and Metro Health business area. The proposed use is consistent with the intent of the chapter.

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

The property has direct access to Bayberry Farms Drive. It also has secondary access to Byron Center Avenue through the existing Bayberry Marketplace retail center. The development of the day care will provide the access drive link from Bayberry Market to Bayberry Farms Drive. This access drive has been planned since 1995. It will provide vehicular access to the commercial area to the residents of Bayberry without having to access Byron Center Avenue. 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 Goddard Day Care will provide an appropriate transitional use between the commercial frontage of Byron Center Avenue and the residences of Bayberry Farms PUD. No blighting influence will occur to 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.

Zoning Code Section 90-895 (Special Use Approval requirements) specifies particular standards for child care centers. These standards are primarily met with the proposal, with the exception of the lot fronting on a major thoroughfare with drive access directly thereto. Currently the parcel does front upon Byron Center Avenue, but the intention is to split the rear child care site off leaving the frontage for commercial development. Also, Goddard Day Care would have primary access to Bayberry Farms Drive, with only secondary access to Byron Center Avenue, the major thoroughfare. Staff supports the variances due to the proximity of the use to Byron Center Avenue and the connectivity of the facility with adjoining developments.

Zoning Code Section 90-894 (4) allows for up to a 25% reduction in parking when justified. The petitioners propose that 32 parking spaces would be sufficient to meet their needs based on demonstrated need at an existing facility. Under the Zoning Code, this facility would be required 41 spaces. The petitioners request the full 25% reduction in parking. Staff supports this modification, based on the validity of the parking summary. In addition, Zoning Code Section 90-894 (6) requires parking to be located outside of the required front yard. The front yard setback is 25 feet, with two parking spaces shown in this setback. Those spaces must be removed or relocated.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided. A driveway permit is also required. An easement shall also be provided for the proposed shared access drive. Participation in the cost sharing for the Regional Storm Sewer System is required.
2. The landscape plan is adopted as part of this Site Plan Approval. Irrigation is required in the front yard greenbelt.
3. The façade plan for the facility is adopted as part of this Site Plan Approval.
4. A variance from the Board of Zoning Appeals is required to allow this design. The facility will not have the required frontage upon a major thoroughfare with drive access directly thereto.

5. The requested parking modification from 41 spaces to 32 spaces is granted, based on the demonstrated standard from similar establishments.
6. The two parking spaces in the required front yard setback area must be removed or relocated.

Staff highlighted how the proposal conforms with the City of Wyoming Sustainability Principles. The proposed Goddard Day Care will develop a vacant property. The facility will provide day care services to the surrounding area. This will contribute to the city's social strength. Additionally, some permanent employment will occur along with temporary employment during construction. This will contribute to Wyoming's economic strength. The proposed Goddard Day Care conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Goddard Day Care per the findings of fact. Additionally, staff recommended granting Site Plan Approval subject to conditions 1-6.

Chair Spencer opened the public hearing.

Ray Dennis, 5884 Trillium Lane, lives in one of the Bayberry Farms condominiums that abuts this property. This land currently drains towards his condo. He asked how the water was going to be managed, because he does not want additional water draining onto his property. He also asked if there will be a privacy fence. He was concerned there will be added traffic on Bayberry Farms Drive from the strip mall.

Steve Sheren, 5866 Trillium Lane, said during the last flood he had five feet of water in his basement. He was not against the day care use, but wanted to be sure water does not drain onto his property. He was concerned about people avoiding Byron Center Avenue and cutting through Bayberry Farms Drive instead, causing additional traffic.

Chair Spencer closed the public hearing.

On behalf of the petitioner, Don DeGroot of Exxel Engineering proceeded to address the neighbors' concerns. He noted the storm water will be directed to the drainage system in Bayberry Farms Drive, and then flow to the regional detention system. Regarding traffic, Bayberry Farms was master planned to handle any cross connection traffic. As far as fencing, the entire playground area will be fenced.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for Goddard Day Care per findings of fact. Discussion followed.

Woodruff asked the type of fencing that would be used. A representative from First Companies replied it would be a high-end, vinyl picket fence.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Woodruff, to grant Site Plan Approval subject to conditions 1 – 6. Discussion followed.

Postema asked the location of the mechanical units. The representative from First Companies responded some of the mechanical units will be on the roof and some on the north side of the building, which is considered the back yard. They will provide additional landscaping on Bayberry Farms Drive for screening purposes.

Postema asked if the parcel splits have been approved. Cochran said the Assessor's Office has not raised any concerns.

Woodruff was concerned about future storm water drainage problems. Cochran noted the flood last year was considered a 400 year event. The flooding was more than what most systems could handle. This particular system functioned incredibly well considering the circumstances, and the situation could have been much worse. The Engineering Department is taking a further look at it to help prevent any future problems.

Micele asked the location of the signage. Mr. DeGroot indicated there is a monument sign proposed on Bayberry Farms Drive that will be lit at night. Hegyi asked if a monument sign is required. Cochran replied they do not have to build a monument sign, but this is what they are proposing.

Postema asked if the entrance drive is right-turn in only. Mr. DeGroot said yes, but vehicles can exit both ways. This was configured to help traffic flow in and out of the day care facility. Chair Spencer did not agree with this concept since the day care traffic will most likely come from the residential neighborhood, requiring a left turn into the facility. Mr. DeGroot said they could reconfigure the ingress and egress if necessary. Cochran indicated they could explore an alternate design for the entrance with the Engineering Department.

Hegyi amended his original motion, supported by Woodruff, to add condition 7:

7. The ingress and egress drive must be reconfigured to accommodate both right and left turns.

Woodruff asked if the signage will be held to the same standards as what currently exists in the Bayberry Farms PUD. Cochran replied they could erect a pole sign, but they have chosen a monument sign.

Hegyi amended his original motion, supported by Woodruff, to add condition 8:

8. A monument sign is required.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request for Preliminary Plat – Tentative Approval for Rivertown Valley III. The property is located along Nile Drive extended, and Chestnut Ridge Drive extended. (Section 32) (T.M.G.B. Wilson)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes 38 lots on 14 acres developed to R-1 Residential standards. The prior two phases to the north have 93 lots, which are nearing build out. This proposed plat is part of the Rivertown Valley PUD, which was approved in 2001. The Rivertown Valley PUD has had numerous land ownership, zoning and market changes that have 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 planned 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.

Potential 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. Subsequently, the Grandville School District decided to not utilize that property and the City transferred ownership to the petitioner. This property must be integrated with the surrounding land development.

City of Wyoming Land Use Plan 2020: In 2006, the City spent considerable resources developing a new Master Plan. Much of those resources were concentrated on the Wilson Avenue corridor. It was determined during those deliberations that the Wilson Avenue frontage adjoining the Rivertown Valley PUD was suitable for additional nonresidential zoning. After adoption of the Plan by City Council, the petitioner obtained additional B-1 Local Business zoning.

Rivertown Valley III: The approved ODP shows Nile Drive being extended south of the existing plats with two cul-de-sacs extending west from it and stopping adjacent to a PUD open space area. In 2006, the petitioners requested and obtained approval from the Planning Commission and City Council, for a plat for this Phase III area that showed 34 lots. The approval of that plat was conditioned upon no future phase approvals would be accepted until either an amended ODP is submitted or the property is rezoned. Subsequently, the recession began which brought new

subdivision development within Wyoming to a halt. Plat approvals are valid for one year, with this prior approval now expired.

Regional stormwater detention basin: By ordinance, PUD's require at least 15% open space of the entire area. Of that, wetlands may not exceed 35% of the open space area. Along the southern part of the 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.

Market changes: The petitioners have approached city staff with a desire to change the arrangement of land uses within the PUD and surrounding area to capture emerging development opportunities. Specifically surrounding the proposed Phase III area, this would result in an expansion of the planned single family subdivision area to the west and expansion of the condominium area along the south side of Nile Drive to both the east and west. Such changes will require either approval of a change to the ODP or rezoning of the PUD and surrounding properties.

Staff Recommendation:

Due to the numerous land use and ownership decisions in the immediate area over the last twelve years, the Rivertown Valley PUD cannot be developed as originally authorized. The petitioners have put forth a good faith proposal to present to the City in the near future a request to rezone the PUD and surrounding area. In Rivertown Valley III, the petitioners propose a single family subdivision, which is a desirable land use and a reasonable extension of the adjoining subdivisions. Staff is comfortable allowing this plat to move forward, with the condition assigned in 2006, that no future phase approvals will be accepted until either an amended ODP is submitted or the property is rezoned. The Planning Commission and City Council have the authority to withhold approval of the proposed Rivertown Valley III plat, as it is a significant departure from the approved ODP.

The platting of property is a three step review by both the Planning Commission and City Council. The first step is Preliminary Plat – Tentative review which authorizes the basic lot sizes and orientation and street layout. The second step is Preliminary Plat – Final Approval which provides full engineering detail for the construction of the plat. The third step is Final Plat Approval, which generally occurs after the plat is completed with the City accepting the development. The development of the Rivertown Valley III plat would provide the necessary utility infrastructure to service the adjoining parcels. This utility infrastructure will vary significantly within Nile Drive depending upon whether there are single family homes or condominiums to the south. The land use surrounding the proposed plat will need to be resolved before this subdivision goes into construction. Service extensions to the nearby parcel to the southeast (McKenzie Highlands) must also be considered. The developer will be required to participate in the cost sharing for the Regional Storm Sewer System at a later stage approval.

Staff highlighted how the proposal conforms with the City of Wyoming Sustainability Principles. The proposed Rivertown Valley III subdivision will provide quality housing opportunities for residents in Wyoming. The construction of the plat, and the subsequent construction of the homes, will provide significant employment. These factors will contribute to the economic strength and social equity of the City. The proposed Rivertown Valley III plat conforms with the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission grant Preliminary Plat – Tentative Approval for Rivertown Valley III, and recommended the same to the City Council, subject to no further PUD phase approvals being accepted until either an amended Overall Development Plan is submitted for approval or the property is rezoned.

Chair Spencer opened the public hearing.

Troy Shrock, representing the developer of the nearby parcel to the southeast (McKenzie Highlands), wanted to make sure they could still connect to the regional storm sewer system. They were also concerned about storm water drainage.

Chair Spencer closed the public hearing.

Petitioner Gary Granger of TMBG Wilson, noted the housing market is beginning to come back. They sold five lots in the existing plat last week. The majority of traffic will come off of Wilson Avenue. This will be one of the premier places to live in the greater Grand Rapids metropolitan area.

Goodheart asked to abstain from voting on this item since he is the engineer for the development.

Motion by Postema, supported by Hegyi, to grant Goodheart an abstention from voting on this item. Motion carried unanimously.

Motion by Hegyi, supported by Micele, to grant Preliminary Plat – Tentative Approval for Rivertown Valley III, and recommend the same to the City Council, subject to no further PUD phase approvals being accepted until either an amended Overall Development Plan is submitted for approval or the property is rezoned. Discussion followed.

Postema liked the layout of the plat. He asked the process for rezoning the entire development. Cochran indicated they could either amend the Overall Development Plan or rezone the entire development in a manner that is acceptable to the City, perhaps putting development agreements in place as to how the land will be used.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Wyoming Planning Commission 2013 Annual Report.

Cochran referred to this report, noting that there has been much activity and growth in Wyoming over the past year. There was over \$80 million worth of construction in the city last year, and new projects continue to be proposed.

Cochran recommended the Planning Commission approve the Wyoming Planning Commission 2013 Annual Report and forward it to City Council.

Motion by Micele, supported by Woodruff, to approve the Wyoming Planning Commission 2013 Annual Report and forward it to City Council. Motion carried unanimously.

INFORMATIONAL ITEMS

Cochran mentioned a steering committee has been formed, in partnership with the City of Kentwood, to participate in the development process of a Form Based Code (FBC) for Division Avenue. This FBC will be modeled after the recently adopted 28th Street FBC. The steering committee is scheduled to meet on Monday, February 24th at 6 p.m. Chair Spencer and Micele will be serving on this committee.

Postema asked when the Bus Rapid Transit System (BRT) will be up and running. Cochran replied August 25th. Postema inquired regarding snow removal at the bus stops. Cochran responded the BRT stations will all have a snow melting system. Regarding snow removal at bus stops in general, this issue will be further addressed at an upcoming Interurban Transit Partnership board meeting in which he will be participating.

PUBLIC COMMENT

There was no public comment.

Chair Spencer asked if Mr. Shrock's concerns regarding connection to the regional storm water system will be addressed. Cochran responded affirmatively.

Hegy asked if the City is responsible for flood damage due to the drains being clogged. Rynbrandt replied the City hired a consultant to study the regional storm water system in this area. The system is designed for a 25 year flood event and last year's flood was a 400 year event. There were only four properties impacted out of all of the properties in this area, so the system was considered successful overall. Further evaluation is being done to remedy future flooding problems.

Micele asked if the City is notifying residents to unbury the fire hydrants on their streets. Rynbrandt noted Chief Carmody is having discussion on this issue. It is extremely important for

residents to assist in finding and unburying storm water catch basins on their streets. If citizens would like to shovel out fire hydrants, it would also be appreciated. Goodheart mentioned that use of tractors to clear fire hydrants could harm the hydrants themselves. Rynbrandt will work with the City Manager's office on relaying this message out to citizens. Goodheart said the City seems to be digging them out little by little. Some cities using a flagging system to identify fire hydrants.

ADJOURNMENT

The meeting was adjourned at 8:15 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission