

**WORK SESSION AGENDA  
WYOMING CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS**

**Monday, August 13, 2018, 7:00 P.M.**

- 1) Call to Order**
- 2) Presentation on The Reserve Development**
  - **Council Questions**
- 3) Public Comment on Agenda Items (3 minute limit per person)**

*This public comment period is reserved for comment on agenda items only. If you wish to speak about an item that is not on the agenda, please hold your comments until the public comment time at the end of the meeting. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.*
- 4) Council Consideration of Ordinance 14-18**
- 5) Any Other Matters**
- 6) Public Comment on Non-Agenda Items (3 minute limit per person)**

*This public comment period is an opportunity to share concerns or present topics to the City Council that were not part of this meeting's agenda. This is not an opportunity for dialog with Council, but Council may make referrals or request staff to follow up. Please provide your name and address when approaching the podium. There is a 3 minute limit per person.*
- 7) Adjournment**

ORDINANCE NO. 14-18

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF THE CITY OF  
WYOMING BY ADDING SUBSECTION (110) TO CONDITIONALLY REZONE  
PROPERTY FOR THE RESERVE AT RIVERTOWN PUD

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is amended by adding subsection (110) to read as follows:

(110) “The Reserve at Rivertown”

(a) 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 R0-1 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, legally described on the attached Exhibit 1.

(b) This rezoning is subject to the following conditions.

1. Rezoning. Rezoning is solely for the purpose of development of the above described property (the “Property”) as “The Reserve at Rivertown” planned unit development as described in the Overall Development Plan dated August 7, 2018 as more fully described in the following paragraphs 2 and 3 (the “ODP-Rev.”), that is also conditionally approved as provided in the succeeding paragraphs.

2. ODP-Rev. The ODP-Rev. includes all drawings attached within the attached Exhibit 2 including all of the following:

A. The title page (page 1) dated August 07, 2018, identifying the project as “The Reserve at Rivertown” (“ODP-Rev. P. 1”).

B. Page 2 labeled “The Reserve at Rivertown Component Narrative” dated August 07, 2018, prepared by Ryan Granger (“ODP-Rev. P. 2”).

C. Page 3 consisting of the Spacewerks conceptual plan of the development of the Property dated August 07, 2018, labeling various components of the development “Area 1 – 175 Additional Single Family Homes” (“Area 1”), “Area 2 – 138 Single Story Flats” (“Area 2”), and “Area 3 – 110 Town Homes – 198 Luxury Apartments” (“Area 3”), together with depictions of roads, pedestrian/non-motorize pathways, and other common areas and amenities (“Page 3”) The exact sizes and layout of the units are subject to site plan approval and may be modified from what is shown on the ODP-Rev. to address (i) topographical challenges, (ii) Planning Commission comments, direction and conditions during site plan review, (iii) changes required during plat approvals processes, and, (iv) with the consent of the City Council, changes the developer may request due to changing market conditions.

D. Pages 4 through 8, dated August 07, 2018, depicting typical perspectives, typical elevations, typical footprints, and illustrative interior floor plans of Area 2 (“ODP-

Rev. P. 4-8”). The illustrative interior floor plans are for information only and are not being approved as part of the ODP-Rev.

E. Page 9, dated August 07, 2018, depicting a typical elevation, typical footprint, and illustrative interior floor plans for the townhomes to be developed within Area 3 (“ODP-Rev. P. 9”). The illustrative interior floor plans are for information only and are not being approved as part of the ODP-Rev.

F. Page 10, dated August 07, 2018, depicting a typical elevation and typical footprint for the luxury apartment buildings to be developed within Area 3 (“ODP-Rev. P. 10”).

G. Page 11 labeled “Proposed Exterior Finishes,” dated August 07, 2018 (“ODP-Rev. P. 11”). As depicted on this page, within the Area 2 and Area 3, the railings shall be of metal construction, the roofs shall have asphalt shingles, the siding may be vinyl and shall be varied to include horizontal and vertical siding as well as some appearing to be shake, and stone or brick shall be included. The percentage of exterior walls covered with stone or brick shall be the same percentage as shown in the drawing for Area 2 and for Area 3.

The colors of the exterior finishes depicted on ODP-Rev. P. 4-8, ODP-Rev. P. 9, ODP-Rev. P. 10, Proposed Exterior Finishes on ODP-Rev. P. 11 are illustrative and may be varied or modified by the developer without consent of the City or the court. ODP-Rev. P. 4-8, ODP-Rev. P. 9 and ODP-Rev. P. 10 show varying roof lines and exterior walls, porches, garage door details, window details, contrasting trim details, window placements and other architectural and design elements that add interest, demonstrate quality, and are aesthetically pleasing. The developer may request substituting those specific architectural and design elements. The City Planner may approve those requested changes as part of the site plan approval for Area 2 or for Area 3 if they are determined to be minor and reasonably acceptable to the City Planner. If the City Planner determines they are significant, those requested changes shall require approval by the City Council.

3. Narratives. The ODP-Rev. also includes the following narratives describing the development to occur in Area 1, Area 2 and Area 3.

#### Area 1 – Single Family Component

This component will offer 175 additional single-family homes. There are three home types for each lot: (1) standard basement, (2) daylight basement, and (3) walkout basement. There are no lots greater than one acre. The developer is interested in partnering with higher quality home builders to increase the tax base of the City’s panhandle area.

#### Area 2 – Apartment Home Component

This component will include 138 units. Nine units will be larger units with (1) views over the natural wooded areas to the south, (2) larger patios to accommodate residents with higher space needs, and (3) attached garages. The remaining 129 units will range from 1,200 to 1,600 square feet and have two-stall attached garages. Patio options will also be available for end units.

#### Area 3 – Luxury Apartment/Townhouse Component

The Luxury Apartment Component will offer 190 units ranging from 800 to 1,600 square feet with attached garages and separate entrances via garage and exterior. The units will be situated with a green belt between each to supplement the overall greenspace.

The Townhouse Component will offer 110 units ranging from 1,600 to 2,000 square feet for residents looking for an alternative to the luxury apartment living. Each unit will offer an attached garage, separate entrances, and two floors of living space.

4. Features of the Project. The Project shall include:
  - A. Area 1 shall have 175 or fewer platted single family home sites.
  - B. Area 2 shall have 138 or fewer apartment homes.
  - C. Area 3 shall have 300 or fewer multi-family homes comprised of the following rough breakdown which may be altered to meet market demand, to address topographical or other design challenges, or for other reasons, upon approval by the City Planner:
    1. Approximately 190 luxury apartments as shown on ODP-Rev P 10.
    2. Approximately 110 townhouse apartments as shown on ODP-Rev P 9.
  - D. A total of 9.02 acres of open space, exclusive of any wetlands or other environmental areas with a total of 30.12 acres of open space inclusive of the environmental areas. The storm water detention area conveyed to the City is not included and shall not be included in the open space calculations.
  - E. The total acreage of the development including the Rivertown Valley PUD includes 187.26 total acres.
  - F. The total density of the Project shall not exceed 4 units per acre as limited in the City's sanitary sewer service limits and the Zoning Ordinance.
6. Conditions. The following conditions shall apply to the ODP-Rev. and rezoning, unless changes are approved by the City Council as provided in MCL 125.3504(5):
  - A. Pedestrian-Non-motorized Pathway Only. No direct vehicular access shall be constructed connecting Area 3 with Area 1. However, a pedestrian and non-motorized pathway shall be constructed to connect those components of the development.
  - B. Roads and Access Drives.
    1. Entry drives into Area 2 shall have only two points of entry from Reserve Drive (now drive extended) per area. For Area 2 west of the swale, entry locations to the north and south shall directly oppose one another. For Area 2 east of the swale (and opposite the single-family homes), the two entry locations shall be opposite the single-family lot lines to minimize headlights splash and driveway conflicts. All Area 2 entry locations shall be located away from other intersections as much as reasonable, and in no event, less than 150 feet apart. The interior roads or drive aisles shall be sized and configured at their terminating ends to meet the City Fire Department requirements.
    2. Traffic calming is required for the long north-south street (Amur/Yukon) and the long east-west street (Danube) in Area 1. Unless an alternative is otherwise approved by the City Engineer, this traffic calming shall be located at the intersection of the two streets with street intersection encroachments for enhanced pedestrian safety and a 4-way stop.
    3. All newly constructed traffic circles shall include medians on approaches to prevent wrong way left turns. Lot adjustments shall be made if needed to accommodate these medians.

4. Plaintiffs shall either (i) extend the cul-de-sac on Siene Drive using fill and grading to eliminate driveway curb cuts for Area 1 lots 31-34 onto Reserve Drive (Nile Drive extended) because those driveways will use the extended cul-de-sac; or (ii) demonstrate to the reasonable satisfaction of the City's Engineer that such extension is not reasonably practical.
5. All work on Wilson Avenue shall be coordinated with the construction of Reserve Drive (Nile Drive extended) and shall include the following:
  - a. The existing entry location from Wilson Avenue (that shall no longer serve as an entry) shall be closed.
  - b. The Wilson Avenue median opening and associated left-turn lane that were constructed to accommodate that entry shall also be closed.
  - c. All work within Wilson Avenue shall be in accordance with the City's Standard Specification and the Wilson Avenue design specifications.
6. The commercial area component of the Project (shown in yellow west of Area 3 on the ODP-Rev. P. 3) shall be accessed only from the entry drive to the Area 3. There shall be no direct curb cut on Wilson Avenue.
7. Nile Drive shall be fully reconstructed from Chestnut to the west end of Nile Drive (pavement patching is not acceptable) when the sewer laterals are added to serve lots on the south and east sides of Nile Drive.

B. Pedestrian/Non-Motorized Pathways.

1. The pedestrian/non-motorized pathway currently shown in Area 1 between single family lots 44 and 45 shall be aligned as closely as possible with the sidewalk along the west side of Kaveri Drive and the pedestrian/non-motorized pathway currently shown between single family lots 34, 37 and 142 in Area 1 shall be eliminated, and a separate pedestrian/non-motorized pathway shall be constructed in Area 1 either between single family lots 143 and 144, or between single family lots 144 and 145.
2. Except as otherwise provided in this Final Order, all pedestrian/non-motorized pathways shall be constructed as shown on the ODP-Rev. within easements for the benefit of the occupants of all the Property, except the commercial areas shown in yellow on ODP-Rev. P 3 west of Area 3.
3. All pedestrian/non-motorized pathways shall be of the size and configured to meet AASHTO standards for similar facilities.

C. Amenities.

1. In addition to the "clubhouse" amenity shown at the northwest corner of Kaveri Drive and Reserve Drive (Nile Drive continued), a clubhouse amenity shall also be constructed within the Area 3.
2. A parking pad with 6 spaces shall be constructed on the south side of the bend of Nile Drive within the green space between Area 1 lots 6 and 7.

D. Homeowner's Association(s).

1. The developer shall encourage the owners of lots in the Single-Family lot phases of the Rivertown Valley PUD that were developed prior to entry of this Final Order to join a homeowners association ("HOA") authorized and empowered to collect dues for the oversight, governance, operation,

maintenance, repair, replacement, and, if desired, improvement of common amenities such as the clubhouse and related amenities constructed at the northwest corner of Kaveri Drive and Reserve Drive (Nile Drive extended), the tennis courts constructed in Area 1 to the west of platted single-family lots 143 and 144, the pathways, the green areas, and any other amenities. If the developer wishes to do so, the developer may require HOA membership and the payment of HOA dues in order for owners of these lots that have already been developed to use the amenities.

2. After entry of this Final Order, the developer shall require membership in and payment of dues and special assessments to a HOA by owners of the lots in Area 1, and the buildings in Area 2 and Area 3. The dues shall be allocated among participants in such a manner to be reasonably fair, and shall be reviewed and approved by the City Manager. Dues and other amounts collected by the HOA shall at all times be sufficient to pay all costs of the oversight, governance, operation, maintenance, repair, replacement, and, if desired, improvement of common amenities to ensure they are and remain in a condition at least as good as the City provides for comparable City-owned amenities. The HOA shall have the authority to compel payments of dues and special assessments by the owners of all the lots in Area 1, and the buildings in Area 2 and Area 3.

(c) Further Condition. This rezoning is also conditional upon the dismissal of the *Granger Group of Companies, LLC, et al. v City of Wyoming*, case number 2018-03060-AW, pending in the Kent County Circuit Court in accordance with the proposed stipulated final order in generally the form attached as Exhibit C and subject to such changes as are acceptable to the City attorney, Mayor, and City Manager.

Section 2. This ordinance shall be in full force and effect on the \_\_\_\_ day of \_\_\_\_\_, 2018.

I hereby certify that this Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

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Kelli A. VandenBerg, Wyoming City Clerk

Exhibit 1 – Legal Description  
Exhibit 2 – Overall Development Plan dated August 7, 2018 (“ODP-Rev.”)

Ordinance No. 14-18