

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, MARCH 4, 2019, 7:00 P.M.**

- 1) **Call to Order**
- 2) **Invocation** – Pastor Ryan Quanstrom, Clyde Park Church of the Nazarene  
*If you wish and are able, please stand for the invocation. The Pledge of Allegiance will immediately follow the invocation.*
- 3) **Pledge of Allegiance**
- 4) **Roll Call**
- 5) **Student Recognition**
- 6) **Approval of Minutes**  
From the February 18, 2019 Regular Meeting and Closed Session
- 7) **Approval of Agenda**
- 8) **Public Hearings**  
*If you wish to speak to an item during a public hearing you are welcome to do so. 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. Comments made during a public hearing may become part of the meeting's permanent record. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.*  
**7:01 p.m.** To Consider Approval of an Application for an Industrial Facilities Exemption Certificate in the City of Wyoming for Wolverine Glass Products, LLC
- 9) **Public Comment on Agenda Items**  
*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 acknowledgement of visitors 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.*
- 10) **Presentations and Proclamations**
  - a) Presentations
    1. Kent County Prosecutor Chris Becker
  - b) Proclamations
- 11) **Petitions and Communications**
  - a) Petitions
  - b) Communications
- 12) **Reports from City Officers**
  - a) From City Council
  - b) From City Manager
- 13) **Budget Amendments**
- 14) **Consent Agenda**  
*All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Councilmember, that member may request removal from the Consent Agenda.*
  - a) To Authorize Members of the City Council to Attend the Michigan Municipal League 2019 Capital Conference

- b) To Authorize the Mayor and City Clerk to Execute an Amendment to the Streetlighting Contract with Consumers Energy Company

**15) Resolutions**

- c) Of Sympathy to the Family of William A. Ver Hulst
- d) Of Sympathy to the Family of Raymond J. Peuler
- e) To Approve the Application of Wolverine Glass Products, Inc., 3400 Wentworth Drive SW, for an Industrial Facilities Exemption Certificate in the City of Wyoming

**16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**

- f) To Authorize M&M Pavement Marking to Perform the Annual Pavement Markings for 2019
- g) To Extend the Bid for Isolated Patching to Superior Asphalt, Inc.
- h) To Award a Bid for Concrete Replacement – 2019 to A1 Asphalt Inc. and Epic Excavating (Budget Amendment No. 52)
- i) To Award the Bid for Irrigation System Maintenance (2019-2021) to Pro-Mow Lawn Care LLC
- j) To Award a Bid for Median and Miscellaneous Landscape Maintenance (2019-2021) to Pro-Mow Lawn Care LLC and Heyboer Landscape Maintenance (Budget Amendment No. 51)
- k) To Extend the Bid for Video Inspection and Cleaning of Existing Sanitary Sewer Lines to Plummer’s Environmental
- l) To Accept a Quote from HESCO for the Purchase of Two Ross Pressure Relief Valves
- m) For Award of Bids
  - 1. Breathing Air Equipment & Technical Rescue Cart
  - 2. Thermal Imaging Camera
  - 3. Active Shooter Kits
  - 4. Bituminous Paving Materials
  - 5. Sand
  - 6. Stainless Steel Couplings
  - 7. Topsoil

**17) Ordinances**

- 5-19 To Amend Chapter 34, Article IV, of the City Code to Align with Amended State Fireworks Regulations and to Provide Penalties for Violations (First Reading)
- 6-19 To Amend Chapter 90 of the City Code by Adding Sections 90-416C Through 90-419C to Article 4C, by Amending Section 90-510 in Article 5 and by Adding Sections 90-511 Through 90-514 to Article 5 to Provide for a PUD-4 General Planned Zoning District (First Reading)

**18) Informational Material**

- a) Wyoming Planning Commission’s 2018 Annual Report

**19) Acknowledgment of Visitors**

*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.*

**20) Closed Session** (as necessary)

**21) Adjournment**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE MEMBERS OF THE CITY COUNCIL TO ATTEND THE  
MICHIGAN MUNICIPAL LEAGUE 2019 CAPITAL CONFERENCE

WHEREAS:

1. The Michigan Municipal League 2019 Capital Conference will be held on March 19 and 20, 2019.
2. It is the desire of the City Council that Wyoming be represented at the conference.

NOW, THEREFORE, BE IT RESOLVED:

1. That members of the Wyoming City Council are hereby authorized to attend the Michigan Municipal League 2019 Capital Conference in Lansing Michigan on March 19 and 20, 2019.
2. The Councilmembers will submit their expense reports at the conclusion of the conference for approval at the next regular City Council meeting.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK  
TO EXECUTE AN AMENDMENT TO THE STREETLIGHTING  
CONTRACT WITH CONSUMERS ENERGY COMPANY

WHEREAS:

1. The City has had a contract with Consumers Energy Company (CE) for CE owned streetlights throughout the City for many years.
2. The City desires to have Consumers Energy Company install one LED Cobrahead streetlight in the 1800 block of 32<sup>nd</sup> St. SW. Consumers Energy will place this streetlight and necessary appurtenances at a cost of \$100.00.
3. Consumers Energy has submitted the attached modification to the streetlighting contract to address this change.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized to execute the attached Authorization for Change in Standard Streetlighting Contract and the accompanying Consumers Energy Resolution.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Authorization for Change in Standard Lighting Contract  
Consumers Energy Resolution

Resolution No. \_\_\_\_\_



**AUTHORIZATION FOR CHANGE IN  
STANDARD LIGHTING CONTRACT  
(COMPANY-OWNED) FORM 547**

Contract Number: 103016902985

Consumers Energy Company is authorized as of 2/13/2019, by the City of WYOMING, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of WYOMING, dated 2/1/2013.

Lighting Type:  
General Unmetered Experimental Lighting Rate GU-XL

Notification Number(s):  
1047050651

Construction Work Order Number(s):

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 2/1/2013 shall remain in full force and effect.

City of WYOMING

By:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

Its

\_\_\_\_\_  
(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

**RESOLUTION**

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of WYOMING, dated 2/1/2013, in accordance with the Authorization for Change in Standard Lighting Contract dated 2/13/2019,

heretofore submitted to and considered by this  commission  council  board ;and

RESOLVED, further, that the \_\_\_\_\_ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN  
COUNTY OF Kent

I, \_\_\_\_\_, Clerk of the City of WYOMING, do hereby certify that the foregoing resolution was duly adopted by the  commission  council  board of said municipality, at the meeting held on \_\_\_\_\_.

Dated:

\_\_\_\_\_  
Municipal Customer Type: City

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF SYMPATHY TO THE FAMILY OF  
WILLIAM A. VER HULST

WHEREAS:

1. William A. Ver Hulst passed away on Friday, February 22, 2019.
2. Bill was elected to the Wyoming City Council as First Ward Councilmember in November 1993 where he served with great distinction until March 2018.
3. Bill dedicated many years to the residents of the City of Wyoming, prior and during his tenure as councilmember; Bill rendered invaluable service on numerous boards and commissions of the City, including the Board of Review, Retirement Board, Veterans Memorial Garden Committee, Historical Commission, and the Grand Valley Metropolitan Council.
4. Bill was always active in organizations in which he believed, he served on the Wyoming School Board, Westown Jubilee Housing Board, and was a longtime advocate of Words of Hope Ministries.
5. Bill will be remembered for guiding the City of Wyoming through many challenging times; his influence leaves behind a legacy of sound fiscal decisions resulting in quality municipal infrastructure and services.
6. The City of Wyoming gratefully acknowledges the many contributions Bill made to his community, our city, and its residents.
7. Bill will be sadly missed by his family, friends, and colleagues in public service.

NOW, THEREFORE, BE IT RESOLVED:

1. Mayor Jack A. Poll, the Wyoming City Council, and the entire staff of the City of Wyoming express its deepest sympathies to the family and friends of Bill Ver Hulst.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried     Yes  
                              No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF SYMPATHY TO THE FAMILY OF  
RAYMOND J. PEULER

WHEREAS:

1. Raymond J. Peuler passed away on Sunday, February 24, 2019.
2. Ray was appointed to the Wyoming City Council as Second Ward Councilmember in May 1997 where he served with great distinction until November 1999.
3. Ray served the residents of the City of Wyoming as a member of the Officers Compensation Commission and the WKTV Commission, in addition to his service on the Chamber of Commerce.
4. The City of Wyoming gratefully acknowledges the many contributions Ray made to his community, our city, and its residents.
5. Ray will be sadly missed by his family, friends, and colleagues in public service.

NOW, THEREFORE, BE IT RESOLVED:

1. Mayor Jack A. Poll, the Wyoming City Council, and the entire staff of the City of Wyoming express its deepest sympathies to the family and friends of Ray Peuler.

Moved by Councilmember:  
Seconded by Councilmember:  
Motion Carried     Yes  
                              No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO APPROVE THE APPLICATION OF  
WOLVERINE GLASS PRODUCTS, INC., 3400 WENTWORTH DRIVE SW,  
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
IN THE CITY OF WYOMING

WHEREAS:

1. The City established Plant Rehabilitation District 127, under Act 198, Public Acts of 1974, as amended, by adopting Resolution Number 12411 on February 15, 1988.
2. Wolverine Glass Products, Inc. has filed an application for an Industrial Facilities Exemption Certificate under PA 198 of 1974, with respect to modifying their facility located within Plant Rehabilitation District 127, with an estimated cost of \$1,900,000 for real property to be located at 3400 Wentworth Drive SW.
3. Before acting on this application, the City Council held a public hearing on March 4, 2019, in the Council Chambers, City Hall, 1155 28<sup>th</sup> Street SW, Wyoming, Michigan, at 7:01 p.m., at which hearing the applicant, the Assessor, and a representative of the affected taxing units were afforded an opportunity to be heard on this application.
4. Construction had not begun earlier than six (6) months before January 22, 2019, the date of acceptance of the application for the Industrial Facilities Exemption Certificate.
5. Completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Wyoming.
6. The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyoming, after granting this certificate, will not exceed 5% of an amount equal to the sum of SEV of the unit, plus SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificate previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Wyoming, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Wyoming.
2. The application from Wolverine Glass Products, Inc., an Industrial Facilities Exemption Certificate, with respect to modification of the facility on the following described parcel of real property situated within Plant Rehabilitation District 127, to wit:

**Address:** 3400 Wentworth Drive SW

**Tax Parcel No.:** 41-17-16-401-017

**Legal Description:**

Y671-1B2B: PART SE 1/4 COM AT INT OF N LINE OF STONEGATE  
CONDOMINIUMS REPLAT NO 4 OF KENT COUNTY CONDOMINIUM PLAN NO  
104 & WLY LINE OF FORMER PENN CEN RR R/W /100 FT WIDE/ TH NELY  
ALONG WLY LINE OF SD RR R/W TO S LINE OF N 920 FT OF SE 1/4 TH W  
ALONG SD S LINE TO N&S 1/4 LINE TH S TO NW COR OF SD STONEGATE  
CONDOMINIUMS TH E TO BEG \* SEC 16 T6N R12W 10.42 ACRES

be the same as hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall remain in force for a period of twelve (12) years.

Moved by Councilmember:  
Seconded by Councilmember:  
Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:  
IFT Agreement (excerpt)

Resolution No. \_\_\_\_\_

## INDUSTRIAL FACILITIES TAX ABATEMENT AGREEMENT

This Industrial Facilities Tax Abatement Agreement is made as of March 4, 2019 between the City of Wyoming, a Michigan municipal corporation the address of which is 1155 – 28<sup>th</sup> Street SW, PO Box 905, Wyoming, MI 49509-0905 (the “City”) and Wolverine Glass Products, Inc., a corporation, the address of which is 3400 Wentworth Drive SW, Wyoming, MI 49519 (the “Company”).

### RECITALS

- A. Pursuant to 1974 PA 198, as amended, MCL 207.551 *et seq.* (“Act 198”), the City Council may, after a public hearing, approve an application for an industrial facilities exemption certificate.
- B. Act 198 also requires a written agreement between the City and the Company.
- C. This Agreement is intended to ensure that the industrial facilities exemption certificate will result in the employment and tax base enhancements that provided the reasons for the City Council to approve it and that the certificate, once granted, will not impair the soundness of any taxing unit whose tax revenues will be affected by the granting of the certificate.
- D. The Company filed an application for an Industrial Facilities Tax Abatement pursuant to Act 198 a copy of which is attached as Exhibit A and incorporated by reference (the “Application”).
- E. Following a public hearing on March 4, 2019 the City Council adopted a resolution to approve the issuance of an industrial facilities exemption certificate for a period of 12 years for the property located at 3400 Wentworth Drive SW, in the City (the “Site”) conditional upon the parties entering into this Agreement (the “Tax Abatement”).
- F. The City Council did so upon the Company’s representations in the Application and upon the understanding that doing so would enhance the City’s employment and tax base as indicated in the application and as stated at the public hearing which enhancements would exceed the term of the Tax Abatement.

### TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree:

- 1. The Company affirms the statements in the application and the statements at the public hearing that it will invest not less than \$1,900,000 in improvements to its property in the City and that at least 15 new job(s) will be created at the Site and at least 65 jobs will be retained at the Site as a result of that investment. The Company further pledges that those improvements will remain in place at the Site or be replaced by comparably valued improvements for at least 2 years after the expiration of the term of the Tax Abatement and the jobs created and maintained will remain at the Site for at least 2 years after the expiration of the term of the Tax Abatement.
- 2. The City is relying upon, and the Company agrees the City may rely upon, the representations in the preceding paragraph, in the Application, and at the public hearing, for purposes of determining the length of the Abatement, the amount of the Abatement, and other terms of the Abatement.
- 3. Beginning on December 31 of the year which is 2 years after the Abatement is granted (*i.e.*, 2021) and each December 31 thereafter the Company shall submit a letter to the City, stating:
  - (a) The number of new jobs projected in the Application to be created and retained at the Site upon the project’s completion and the actual number of new jobs created and retained at the Site.

- (b) The number of employees at the Site at the time of the Application and the current number of employees at the Site.
  - (c) The estimated project cost stated in the Application and the actual project cost.
4. Upon receipt of the letter provided for in the preceding paragraph:
- (a) The City may either:
    - (1) Apply the criteria in the City's Act 198 Tax Abatement Policy in effect as of the date of this Agreement and increase or decrease the term of the Tax Abatement to the maximum number of years allowable under that Policy based on the Company's actual employment levels at the Site and project costs as stated in the letter, or
    - (2) If the number of new jobs at the Site or the cost of the project is substantially below that stated in the Application, the City Council may recommend revocation of the Tax Abatement.
  - (b) The City may, in its discretion, waive its right to reduce the term of the years of the Abatement or to revoke the Tax Abatement if:
    - (1) The Company has substantially met its stated goals, with only minor deviations which are not expected to reduce the anticipated benefits of the City, or
    - (2) Upon a finding of changed circumstances not reasonably anticipated by the Company at the time it made Application.
  - (c) The City shall provide the Company written notice of and an opportunity to address the City Council prior to formally considering any such actions.
5. The Company intends to continue operations within the City for the time period at least equal to two years beyond the expiration of the term of the Tax Abatement as granted.
- (a) If, at any time during the term of the Tax Abatement or two years following the expiration or early termination of the Tax Abatement, the City determines based on a Company announcement or other reasonably reliable information that the Company is intending to discontinue or substantially curtail its operations at the Site, or the City determines that the Company has discontinued or substantially curtailed its operations at the Site, or the company no longer employs at the Site the number of employees represented in the Application and in this Agreement:
    - (1) The City Council may, in its sole discretion, request revocation of the Tax Abatement; and
    - (2) The City Council, in its sole discretion, may require the Company to pay the City all or any part of an amount equal to the total taxes abated by the City under the Tax Abatement.
  - (b) If, at any time during the term of the Tax Abatement or two years following the expiration or early termination of the Tax Abatement, the Company contends in any appeal taxable value of its property at the Site should be less the Company's cost to acquire the property and construct and install the project plus the value of the property prior to undertaking the project, as reflected in the Application, any certification made by the Company under Act 198, any letters filed with the City pursuant to this Agreement, or any other statements made by or on behalf of the Company in applying for or complying with the terms of the Tax Abatement and this Agreement:
    - (1) The City Council may, in its sole discretion, request revocation of the Tax Abatement; and
    - (2) The City Council, in its sole discretion, may require the Company to pay the City all or any part of an amount equal to the total taxes abated by the City under the Tax Abatement.

(c) In making any decision under the preceding subparagraphs (a) or (b), the City Council shall consider whether:

(1) Due to events or conditions which were unforeseeable by either party on the date of this Agreement, and absent the fault of either party, it has become impossible or commercially impractical for the Company to continue its operation at the Site; or

(2) The Company has substantially complied with all requirements of this Agreement, such that the Company's failure to comply fully with all requirements was neither willful nor intentional, and the City has reasonably received the benefits anticipated from granting the Tax Abatement.

(d) The City shall provide the Company written notice of and an opportunity to address the City Council prior to formally considering any such actions.

6. This Agreement is entered into according to Section 22 of Act 198, as amended, MCL 207.572, is in addition to the other requirements of Public Act 198, and does not modify or waive any requirements of Act 198.

7. This is the entire agreement between the parties as to its subject matter. No unwritten agreements shall have any effect. This Agreement may be modified only with a written agreement signed by both parties following approval of the City Council.

The parties have signed this Agreement as of the date first written above.

CITY OF WYOMING

WOLVERINE GLASS PRODUCTS, INC.

By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

By: \_\_\_\_\_  
Kelli A. VandenBerg, City Clerk

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

Date signed: \_\_\_\_\_, 2019

Date signed: \_\_\_\_\_, 2019

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE M&M PAVEMENT MARKING TO  
PERFORM THE ANNUAL PAVEMENT MARKINGS FOR 2019

WHEREAS:

1. It is necessary to repaint approximately 150 miles of major street lane lines within the City of Wyoming on an annual basis.
2. In February of 2018, the Kent County Road Commission received bids to perform lane line painting throughout Kent County and awarded the contract to the low bidder, M&M Pavement Marking, with two one-year renewal options.
3. It is in the best interest of the City to authorize the low bidder, M&M Pavement Marking, to perform the lane line painting for approximately \$42,000, which can be financed out of the Major Street Fund Traffic Services account, 202-441-47400-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby authorizes M&M Pavement Marking to perform the annual major street pavement marking for 2019 for an estimated cost of \$42,000.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report  
KCRC Bid Tabulation

Resolution No. \_\_\_\_\_

## STAFF REPORT

DATE: February 27, 2019

SUBJECT: Bid Award – Pavement Marking Contractor

FROM: Randal Erickson, Traffic Safety Foreman

Date of Meeting: March 4, 2019

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### RECOMMENDATION

It is recommended the City Council authorize M & M Pavement to paint, stripe, and detail the street pavement markings within the City of Wyoming, per the unit bid prices received and awarded by the Kent County Road Commission.

### SUSTAINABILITY CRITERIA

#### Environmental Quality

The City of Wyoming is ardently involved in the protection of Michigan's natural resources and the public's health and welfare. The City can continue to protect the environment using a locally owned business who strives to protect our natural resources.

#### Social Equity

It is necessary to ensure that all of the traffic regulation, guide signs and pavement markings within the City of Wyoming are maintained properly to guide all motorists and pedestrians safely and efficiently throughout the City. The repainting of our pavement markings will allow the City of Wyoming to continue to provide high quality roads to all residents without regard to income or socio-economic status.

#### Economic Strength

By participating in the cooperative bid with the Kent County Road Commission, it ensures the ability to get better pricing on materials and services, therefore, reducing the overall cost of pavement markings for the City.

#### Quality Service Impact

Annual pavement marking will provide increased safety for all pedestrians and motorists traveling in Wyoming.

### DISCUSSION

In February of 2018, the Kent County Road Commission received four bids for the annual painting of roadway pavement markings and awarded the contract to the low bidder, M&M Pavement, with two one-year renewal options. It is in Wyoming's best interest to utilize the

cooperative bid of the Kent County Road Commission and authorize M&M Pavement to also perform the annual painting of Wyoming's pavement markings.

#### BUDGET IMPACT

The unit prices are unchanged from the previous year.

The total amount of this contract with M&M Pavement is estimated to be \$42,000. Sufficient funds are available in the Major Street fund, account 202-441-47400-930.000.

#### ATTACHMENT:

Kent County Road Commission Bid Tabulation

**KENT COUNTY ROAD COMMISSION BID BLANK**

Tabulation of Bid for: **Contract #18-10: Pavement Marking Services for 2018 with two one-year renewal options**

Date: February 8, 2018 **8:30 AM**

<b>BIDDER</b>	<b>Miles</b>	<b>M &amp; M Pavement Unit</b>	<b>Total</b>	<b>Michigan Pavement Marking Unit</b>	<b>Total</b>	<b>P.K. Contracting Unit</b>	<b>Total</b>	<b>R.S. Contracting Unit</b>	<b>Total</b>
<b>County Roads</b>									
Waterborne Paint									
4" Solid White	1400	205.00	287000.00	215.00	301000.00	216.48	303072.00	253.44	354816.00
4" Skip White	40	300.00	12000.00	300.00	12000.00	221.76	8870.40	110.00	4400.00
4" Solid Yellow	1500	205.00	307500.00	210.00	315000.00	221.76	332640.00	258.72	388080.00
4" Skip Yellow	150	205.00	30750.00	250.00	37500.00	221.76	33264.00	110.00	16500.00
8" Wide Wht Line for Lane Drop	1500	0.10	150.00	0.10	150.00	0.09	135.00	0.06	90.00
Subtotal			637400.00		665650.00		677981.40		763886.00
Regular Dry									
4" Solid White	30	225.00	6750.00	250.00	7500.00	285.12	8553.60	264.00	7920.00
4" Skip White	5	300.00	1500.00	300.00	1500.00	287.76	1438.80	120.00	600.00
4" Solid Yellow	30	225.00	6750.00	250.00	7500.00	287.76	8632.80	264.00	7920.00
4" Skip Yellow	5	300.00	1500.00	300.00	1500.00	287.76	1438.80	120.00	600.00
8" Wide Wht Line for Lane Drop	600	0.25	150.00	0.10	60.00	0.12	72.00	0.10	60.00
Subtotal			16650.00		18060.00		20136.00		17100.00
<b>County Totals</b>			<b>654050.00</b>		<b>683710.00</b>		<b>698117.40</b>		<b>780986.00</b>
<b>Paint Mfg./Supplier</b>	<b>Ennis</b>	<b>Ennis/Sherwin Williams/Ozark</b>		<b>S/W &amp; Ennis</b>		<b>Sherwin Williams</b>			
<b>Product#</b>									
Waterborne -	982221	982221/TM2204		TM2204					
White/Yellow	982222	982222/TM2205		TM2205					
Regular Dry -	982271	TM5604		982271					
White/Yellow	982282	TM5607		98222					

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO EXTEND THE BID  
FOR ISOLATED PATCHING  
TO SUPERIOR ASPHALT, INC.

WHEREAS:

1. On March 5, 2018, the City Council awarded the bid for Isolated Patching to Superior Asphalt, Inc., as referenced with Resolution Number 26008.
2. Superior Asphalt, Inc. has agreed to extend their bid pricing until December 31, 2019. The unit pricing shall remain unchanged from the 2018 bid pricing of a unit price of \$21.50 per square yard for removal of asphalt and \$94.00 per ton for 4C asphalt.
3. Sufficient funds have been budgeted in the street, sewer and water maintenance accounts: 202-441-46300-930.000, 203-441-46300-930.000, 590-441-54200-930.000, 591-441-56200-930.000 and 591-441-56700-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council extends the Isolated Patching bid to Superior Asphalt, Inc. for calendar year 2019.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Bid Tab

Resolution No. \_\_\_\_\_

## STAFF REPORT

DATE: February 19, 2019

SUBJECT: Bid Extension – Isolated Patching

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: March 4, 2019

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### RECOMMENDATION

The Public Works Department recommends that the City Council extend the Isolated Patching bid to Superior Asphalt, Inc. for calendar year 2019 at a unit price of \$21.50 per square yard for removal of asphalt and \$94.00 per ton for 4C asphalt.

### SUSTAINABILITY CRITERIA

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The City provides a safe and environmentally focused method of asphalt replacement.

#### Social Equity

Street repairs are provided throughout the City, without regard to income level or socio-economic status. All of the City's residents enjoy equal access to the benefits of the Public Works Department's asphalt replacement service.

#### Economic Strength

High quality asphalt replacement allows the Public Works Department to maintain the City's streets, which sustains public and private property values.

### DISCUSSION

On March 5, 2018, the City Council awarded the bid for Isolated Patching to Superior Asphalt, Inc., as referenced with Resolution Number 26008. Superior Asphalt, Inc. has agreed to extend their bid pricing until December 31, 2019. The unit pricing shall remain unchanged from the 2018 bid pricing as shown in the attached bid tabulations.

The cost of isolated patching is anticipated to be approximately \$425,000 for work performed during the 2019 calendar year.

### BUDGET IMPACT

Sufficient funds have been budgeted in the street, sewer and water maintenance accounts: 202-441-46300-930.000, 203-441-46300-930.000, 590-441-54200-930.000, 591-441-56200-930.000 and 591-441-56700-930.000.

### ATTACHMENTS:

Contract Extension Letter, December 7, 2018  
Bid Tabulations, February 20, 2018



Corporate Office  
669 Century Ave., S.W.  
Grand Rapids, MI 49503  
616.451.3200 – 616.451.3969 fax

Lansing Division  
3888 S. Canal Rd.  
Lansing, MI 48837  
517.322.0800 – 517.322.0801 fax

December 7<sup>th</sup>, 2018  
City of Wyoming  
Public Works Dept.  
Wyoming, MI. 49509

Attn: Joe Wahlfield  
Re: 2019 Isolated Patching

Superior Asphalt, Inc. will maintain our existing prices for removal and 4C asphalt patching through December 31<sup>st</sup>, 2019.

The current unit prices to be maintained for the 2019 year are as follows:

Removal:	\$21.50/SYD
4C Asphalt Patching:	\$94.00/Ton

The prices are in accordance with current City of Wyoming specifications.

Sincerely,  
  
John Alonso  
Estimator

City of **Wyoming** Michigan

TABULATION OF BIDS  
ON ISOLATED ASPHALT PATCHING - 2018

Opened By The City Clerk On February 20, 2018 At 11:00 a.m.

	Cost per Unit	A-1 Asphalt Inc.	K & R	Michigan Paving & Materials	Superior Asphalt
HMA 4C Asphalt	\$/TON	\$ 95.00	NO BID	NO BID	\$ 94.00
Removal of Existing Asphalt	\$/SQ. FT.	\$ 22.00			\$ 21.50
Total Working Days For Completion		15 Days			15 Days

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AWARD A BID  
FOR CONCRETE REPLACEMENT - 2019  
TO A1 ASPHALT INC. AND EPIC EXCAVATING

WHEREAS:

1. On Tuesday, February 19, 2019, the City received two bids for Concrete Replacement - 2019.
2. The low bid for Area 2 was received from A1 Asphalt Inc. and the sole bid for Area 3 was from Epic Excavating.
3. The cost of concrete replacement is anticipated to be approximately \$250,000 for work performed during the 2019 calendar year. Sufficient funds are available in the street, sidewalk, sewer and water maintenance accounts: 202-441-46300-930.000, 203-441-46300-930.000, 211-441-44210-930.000, 590-441-54200-930.000, 591-441-56200-930.000 and 591-441-56700-930.000, but a budget amendment is necessary.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards a Concrete Replacement bid to the low bidder for Area 2, A1 Asphalt Inc., and the sole bidder for Area 3, Epic Excavating, for calendar year 2019 at the unit pricing shown on the attached Bid Tabulations.
2. The City Council hereby approves the attached budget amendment.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Budget Amendment  
Staff Report

Resolution No. \_\_\_\_\_



## STAFF REPORT

DATE: February 26, 2019

SUBJECT: Bid Award – Concrete Replacement - 2019

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: March 4, 2019

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### RECOMMENDATION

The Public Works Department recommends that the City Council hereby awards a Concrete Replacement bid to the low bidder for Area 2, A1 Asphalt Inc. and the sole bidder for Area 3, Epic Excavating, for calendar year 2019 at the unit pricing shown on the attached Bid Tabulations.

### SUSTAINABILITY CRITERIA

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The City's use of concrete, made from materials that are able to be recycled, reduces the consumption of natural resources and dumping of concrete materials in landfills.

#### Social Equity

Street, right-of-way and utility repairs are provided throughout the City without regard to income level or socio-economic status. All of the City's residents enjoy equal access to the benefits of the Public Works Department's concrete replacement activities.

#### Economic Strength

High quality concrete replacement allows the Public Works Department to maintain the City's sidewalks, driveways and curbs, which sustain public and private property values.

### DISCUSSION

The Public Works Department utilizes a subcontractor to perform concrete removal and restoration of areas that have been damaged as a result of various utility repairs throughout the City.

On Tuesday, February 19, 2019, the City received two bids for concrete replacement. Invitations to bid were sent to 60 bidders, and bid specifications were picked up by six potential bidders. The low bid for Area 2 was received from A1 Asphalt Inc. and the sole bid for Area 3 was from Epic Excavating.

For Area 2, the unit pricing for 30" curb and gutter is an increase of 14% from last year's unit price of \$30.00. The unit price for 30" gutter pan is an increase of 6% from last year's unit price of \$30.00. The unit price for 4" concrete is an increase of 26% from last year's unit price of \$4.50. The unit price for 8" commercial sidewalk and commercial drive approach is an increase of 41% from last year's unit price of \$4.50, and the unit price for removal of concrete is an increase of 91% from last year's unit price of \$2.00.

In Area 3, the unit pricing for 30" curb and gutter is an increase of 45% from last year's unit price. The unit price for 30" gutter pan is an increase of 49% from last year's unit price. The unit price for 4" sidewalk is an increase of 47% from last year's unit price. The unit price for 4" drive approach is an increase of 59% from last year's unit price. The unit price for 8" commercial sidewalk is an increase of 46% from last year's unit price. The unit price for 8" commercial drive approach is an increase of 50% from last year's unit price, and the unit price for removal of concrete is an increase of 94% from last year's unit price.

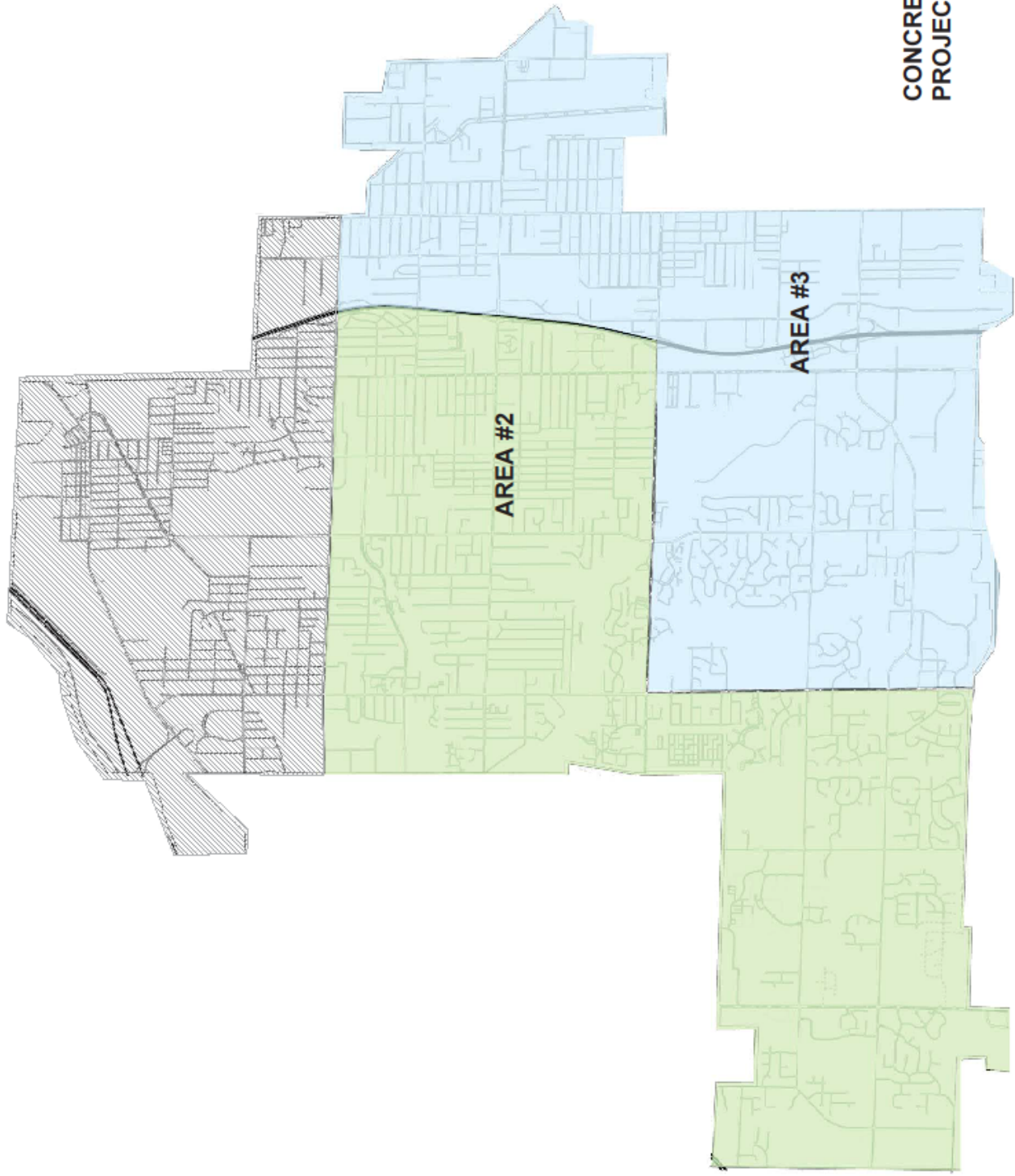
The cost of concrete replacement is anticipated to be approximately \$250,000 for work performed during the 2019 calendar year.

#### BUDGET IMPACT

Sufficient funds are available in the street, sidewalk, sewer and water maintenance accounts: 202-441-46300-930.000, 203-441-46300-930.000, 211-441-44210-930.000, 590-441-54200-930.000, 591-441-56200-930.000, 591-441-56700-930.000 and 591-441-57400-930.000, but a budget amendment is necessary.

#### ATTACHMENTS:

Project Map  
Bid Tabulations



**CONCRETE REPLACEMENT  
PROJECT MAP**



CITY OF WYOMING, MICHIGAN  
TABULATION OF BIDS

ON BID #1726, CONCRETE REPLACEMENT - 2019

Opened By City Clerk On February 19, 2019 At 11:00 a.m. o'clock

Pay Item		Estimated Quantities	Cost per Unit	A-1 Asphalt	Epic Excavating
AREA #2	30" Curb and Gutter	350	\$/LF	\$ 35.00	\$ 55.00
	30" Gutter Pan	10	\$/LF	\$ 32.00	\$ 59.00
	4" Concrete Sidewalk	4,700	\$/SQ. FT.	\$ 6.07	\$ 8.50
	4" Concrete Non-Reinforced	2,500	\$/SQ. FT.	\$ 6.07	\$ 11.00
	8" Commercial Sidewalk	50	\$/SQ. FT.	\$ 11.00	\$ 12.00
	8" Commercial Drive Approach	120	\$/SQ. FT.	\$ 11.00	\$ 13.00
	Remove Concrete	800	\$/SQ. FT.	\$ 23.00	\$ 32.00
AREA #3	30" Curb and Gutter	500	\$/LF	NO BID	\$ 55.00
	30" Gutter Pan	115	\$/LF	NO BID	\$ 59.00
	4" Concrete Sidewalk	5,400	\$/SQ. FT.	NO BID	\$ 8.50
	4" Concrete on-Reinforced	2,300	\$/SQ. FT.	NO BID	\$ 11.00
	8" Commercial Sidewalk	220	\$/SQ. FT.	NO BID	\$ 12.00
	8" Commercial Drive Approach	420	\$/SQ. FT.	NO BID	\$ 13.00
	Remove Concrete	950	\$/SQ. FT.	NO BID	\$ 32.00
Maximum # of Areas to Maintain				1	NO RESPONSE
Preferred Area				2	BOTH
# of Additional Working Days (If necessary)				0	0

No Bids Received From: Brown Concrete Construction, C & D Hughes, Kent Companies, Zemaitis Cement Finishing

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AWARD THE BID  
FOR IRRIGATION SYSTEM MAINTENANCE (2019-2021)  
TO PRO-MOW LAWN CARE LLC

WHEREAS:

1. On Tuesday, February 19, 2019, the City received two bids for irrigation system maintenance.
2. Pro-Mow Lawn Care, LLC submitted the low bid.
3. Approximately \$52,000 will be spent in calendar year 2019 for irrigation system maintenance. Sufficient funds are available in the Major Street, Local Street and Motor Pool Building Maintenance Accounts: 202-441-46300-930.000, 203-441-46300-930.000 and 661-441-58300-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards the irrigation system maintenance bid to Pro-Mow Lawn Care, LLC for calendar years 2019, 2020 and 2021 at the pricing shown on the attached Bid Tabulations.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report  
Bid Tab

Resolution No. \_\_\_\_\_

## STAFF REPORT

DATE: February 27, 2019

SUBJECT: Bid Award – Irrigation System Maintenance (2019 – 2021)

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: March 4, 2019

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### RECOMMENDATION

The Public Works Department recommends that the City Council hereby awards the irrigation system maintenance bid to the low bidder Pro-Mow Lawn Care, LLC for calendar years 2019, 2020 and 2021 at the pricing shown on the attached Bid Tabulations.

### SUSTAINABILITY CRITERIA

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. By maintaining the grassy areas of the City's medians the City is reducing the spread of weeds and disease.

#### Social Equity

Irrigation system maintenance is provided throughout the City without regard to income level or socio-economic status. All citizens that utilize our sidewalks and roadways will have a safe and aesthetically pleasing environment for their travels.

#### Economic Strength

Quality median and miscellaneous landscape maintenance allows the Public Works Department to maintain the City's aesthetics which sustains public and private property values.

### DISCUSSION

On Tuesday, February 19, 2019, the City received two bids for median and miscellaneous landscape maintenance. Invitations to bid were sent to 86 bidders, and bid specifications were picked up by four potential bidders. The low bid was submitted by Pro-Mow Lawn Care, LLC.

The Public Works Department is responsible for median irrigation. Irrigation system maintenance was previously included on the median and miscellaneous landscape maintenance bid. In order to provide a better level of overall service and ensure that emergency repairs were addressed in a timely manner, the irrigation system maintenance was bid separately. The bid includes monthly inspections, preventative maintenance and emergency repairs on irrigated medians.

For bid comparison purposes, Pro Mow Lawn Care, LLC provided a lower inspection lump sum and hourly rate. Although Pro Mow Lawn Care LLC bid slightly higher replacement part costs, it was not enough to offset the difference in the inspection lump sum and hourly rates. It is expected that approximately \$52,000 will be spent in calendar year 2019 for irrigation system maintenance.

## BUDGET IMPACT

Sufficient funds are available in the Major Street, Local Street and Motor Pool Building Maintenance Accounts: 202-441-46300-930.000, 203-441-46300-930.000 and 661-441-58300-930.000.

## BID TABULATIONS

CITY OF WYOMING, MICHIGAN TABULATION OF BIDS							
ON BID #1717, IRRIGATION SYSTEM MAINTENANCE (2019-2021)							
Opened By <u>City Clerk</u> On <u>February 19, 2019</u> At <u>11:00 a.m. o'clock</u>							
Pay Item	Unit	Pro-Mow Lawn Care & Landscaping			Schepers Lawn Sprinkling		
		2019	2020	2021	2019	2020	2021
Irrigation System Inspections	LUMP SUM	\$ 22,500.00	\$ 24,500.00	\$ 26,500.00	\$ 32,900.00	\$ 24,900.00	\$ 25,900.00
Hourly Rate	\$ / HOUR	\$ 78.00	\$ 80.00	\$ 82.00	\$ 140.00	\$ 145.00	\$ 147.00
Rainbird PGA 100	EACH	\$ 30.00	\$ 35.00	\$ 40.00	\$ 27.90	\$ 29.00	\$ 30.16
Rainbird PGA 150	EACH	\$ 90.00	\$ 95.00	\$ 100.00	\$ 89.00	\$ 92.56	\$ 96.26
Rainbird PGA 200	EACH	\$ 125.00	\$ 130.00	\$ 135.00	\$ 119.76	\$ 123.93	\$ 128.88
1" Atmospheric Vacuum Breaker*	EACH	\$ 70.00	\$ 180.00	\$ 90.00	\$ 83.00	\$ 86.32	\$ 89.77
1" Pressure Vacuum Breaker*	EACH	\$ 150.00	\$ 175.00	\$ 200.00	\$ 144.30	\$ 150.07	\$ 156.07
1" RPZ Vacuum Breaker*	EACH	\$ 400.00	\$ 450.00	\$ 500.00	\$ 403.59	\$ 419.73	\$ 436.52
1 1/4" AVB*	EACH	\$ 250.00	\$ 300.00	\$ 350.00	\$ 173.00	\$ 180.00	\$ 187.12
1 1/4" PVB*	EACH	\$ 550.00	\$ 600.00	\$ 650.00	\$ 411.14	\$ 427.59	\$ 444.69
1 1/4" RPZ*	EACH	\$ 750.00	\$ 800.00	\$ 850.00	\$ 720.21	\$ 749.02	\$ 778.98
1 1/2" AVB*	EACH	\$ 250.00	\$ 300.00	\$ 350.00	\$ 241.50	\$ 251.16	\$ 261.21
1 1/2" PVB*	EACH	\$ 550.00	\$ 600.00	\$ 650.00	\$ 555.96	\$ 578.20	\$ 601.33
1 1/2" RPZ*	EACH	\$ 850.00	\$ 900.00	\$ 950.00	\$ 779.64	\$ 810.83	\$ 843.26
2" AVB*	EACH	\$ 350.00	\$ 400.00	\$ 450.00	\$ 279.00	\$ 290.16	\$ 301.77
2" PVB*	EACH	\$ 650.00	\$ 700.00	\$ 750.00	\$ 649.44	\$ 675.42	\$ 702.43
2" RPZ*	EACH	\$ 950.00	\$ 1,000.00	\$ 1,050.00	\$ 861.75	\$ 896.22	\$ 932.07
Lema 1500 S Micropower Actuator	EACH	\$ 40.00	\$ 45.00	\$ 50.00	\$ 102.93	\$ 107.05	\$ 111.33
Nelson 8014 Battery Powered Actuator	EACH	\$ 140.00	\$ 160.00	\$ 180.00	\$ 376.82	\$ 391.89	\$ 407.57
Rainbird 1804 Spray Head and Nozzle	EACH	\$ 5.00	\$ 5.50	\$ 6.00	\$ 4.50	\$ 5.00	\$ 5.50
Rainbird 1806 Spray Head and Nozzle	EACH	\$ 10.00	\$ 10.50	\$ 11.00	\$ 10.00	\$ 10.50	\$ 11.00
Rainbird 5004PC Rotor	EACH	\$ 15.00	\$ 16.00	\$ 17.00	\$ 22.00	\$ 23.00	\$ 24.00
Overhead Percentage Applied		75%			70% or times 1.7		
State Warranties and/or Guarantees		N/A (1-yr per bid specifications)			1 Year Warranty on Labor; 5 Year Warranty on Parts		

\* **Component Only**, not to include permit or testing

No Bids Received From: DJ's Landscape Management, Grapids Irrigation, Heyboer Landscape Maintenance

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AWARD A BID  
FOR MEDIAN AND MISCELLANEOUS LANDSCAPE MAINTENANCE (2019-2021)  
TO PRO-MOW LAWN CARE LLC AND HEYBOER LANDSCAPE MAINTENANCE INC.

WHEREAS:

1. On Tuesday, February 19, 2019, the City received two bids for median and miscellaneous landscape maintenance.
2. The sole bid for Zones 1 and 2 was from Pro-Mow Lawn Care, LLC and the low bid for Zone 3 was from Heyboer Landscape Maintenance Inc.
3. Approximately \$214,000 will be spent in calendar year 2019 for median and miscellaneous landscape maintenance. Sufficient funds are available in the Major Street, Local Street and Motor Pool Building Maintenance Accounts: 202-441-46300-930.000, 203-441-46300-930.000 and 661-441-58300-930.000, but a budget amendment is necessary.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby awards a median and miscellaneous landscape maintenance bid to Pro-Mow Lawn Care, LLC, for Zone 1 and Zone 2 and to Heyboer Landscape Maintenance Inc. for Zone 3 for calendar years 2019, 2020 and 2021 at the pricing shown on the attached Bid Tabulations.
2. The City Council hereby approves the attached budget amendment.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes

                              No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Budget Amendment

Staff Report

Resolution No. \_\_\_\_\_

**CITY OF WYOMING BUDGET AMENDMENT**

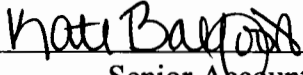
**Date: March 4, 2019**

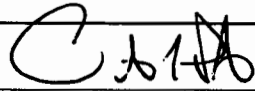
**Budget Amendment No. 051**

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$40,000.00 of additional budgetary authority to fund an increase in median mowing costs as per the attached resolution.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<b><u>Major Streets Fund</u></b>				
Public Works - Street Maintenance - Repairs and Maintenance				
202-441-46300-930.000	357,000.00	25,000.00		382,000.00
Balance/Working Capital (Fund 202)		\$ -	\$ 25,000.00	
<b><u>Local Streets Fund</u></b>				
Public Works - Street Maintenance - Repairs and Maintenance				
203-441-46300-930.000	171,500.00	15,000.00		186,500.00
Balance/Working Capital (Fund 203)		\$ -	\$ 15,000.00	

Recommended:   
Senior Accountant

  
City Manager

Motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ that the General Appropriations Act for Fiscal Year 2018-2019 be amended by adoption of the foregoing budget amendment.

Motion carried: Yes \_\_\_\_\_, No \_\_\_\_\_

I hereby certify that at a \_\_\_\_\_ meeting of the Wyoming City Council duly held on \_\_\_\_\_ the foregoing budget amendment was approved.

\_\_\_\_\_  
City Clerk

## STAFF REPORT

DATE: February 26, 2019

SUBJECT: Bid Award – Median & Miscellaneous Landscape Maintenance (2019 – 2021)

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: March 4, 2019

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### RECOMMENDATION

The Public Works Department recommends that the City Council hereby awards a median and miscellaneous landscape maintenance bid to the sole bidder for Zones 1 & 2, Pro-Mow Lawn Care, LLC, and to the low bidder for Zone 3, Heyboer Landscape Maintenance Inc. for calendar years 2019, 2020 and 2021 at the pricing shown on the attached Bid Tabulations.

### SUSTAINABILITY CRITERIA

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. By maintaining the grassy areas of the City's medians, miscellaneous parcels and Public Service site, the City is reducing the spread of weeds and disease. Also, by using a slow-release fertilizer, there will be less environmental impact.

#### Social Equity

Median and miscellaneous landscape maintenance is provided throughout the City without regard to income level or socio-economic status. All citizens that utilize our sidewalks and roadways will have a safe and aesthetically pleasing environment for their travels.

#### Economic Strength

Proper landscape maintenance provides an aesthetically appealing City environment, sustaining public and private property values.

### DISCUSSION

The Public Works Department manages lawn care maintenance for the medians, Public Service site and 143 cul-de-sacs and other miscellaneous parcels throughout the City. These maintenance contracts include mowing, fertilization and weed control.

On Tuesday, February 19, 2019, the City received two bids for median and miscellaneous landscape maintenance. Invitations to bid were sent to 86 companies, and bid specifications were picked up by four potential bidders. The sole bid for Zones 1 and 2 was from Pro-Mow Lawn Care, LLC and the low bid for Zone 3 was from Heyboer Landscape Maintenance Inc. Zone 1 includes areas north of 36<sup>th</sup> Street and west of Clyde Park, zone 2 includes areas east of Clyde Park and zone 3 includes areas south of 36<sup>th</sup> Street and west of Clyde Park.

This contract was previously bid in 2015 as a three- year bid, and was extended for one additional year for the 2018 calendar year. Bid prices did not change throughout this four year period.

For the 2019-2021 bid, several parcels were removed from zone 3 and the zones were reconfigured to better geographically distribute the mowing areas. The irrigation system maintenance was removed and bid separately. The lump sum pricing for Zone 1 is an increase of 25% from the previous bid. The lump sum pricing for Zone 2 is an increase of 26% from the bid. The lump sum pricing for Zone 3 is an increase of 4% from the previous bid.

Approximately \$214,000 will be spent in calendar year 2019 for median and miscellaneous landscape maintenance.

#### BUDGET IMPACT

Sufficient funds are available in the Major Street, Local Street and Motor Pool Building Maintenance Accounts: 202-441-46300-930.000, 203-441-46300-930.000 and 661-441-58300-930.000, but a budget amendment is necessary.

#### ATTACHMENTS:

Zone Maps  
Bid Tabulations



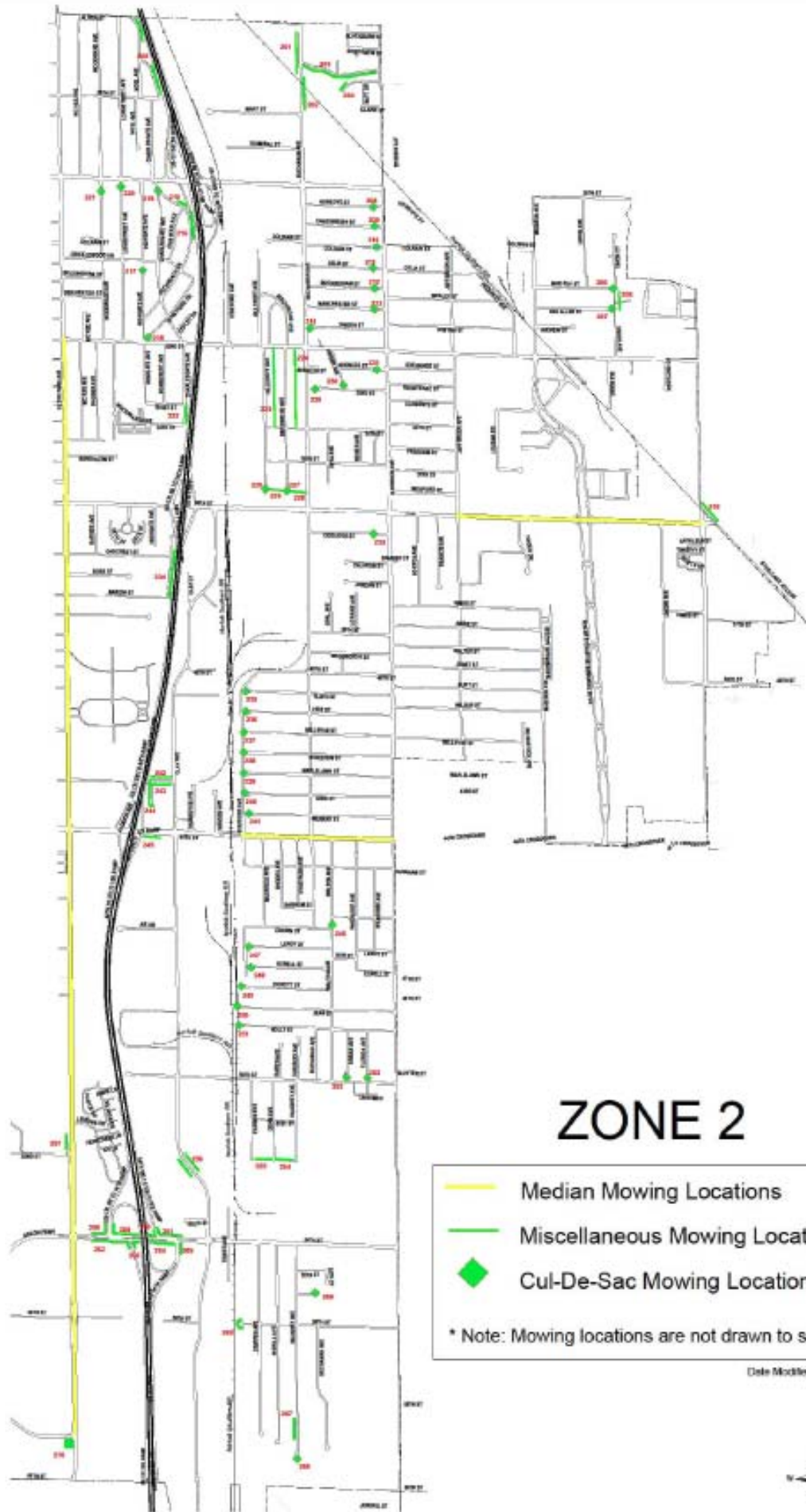
# ZONE 1

- Median Mowing Locations
- Miscellaneous Mowing Locations
- Cul-De-Sac Mowing Locations

\* Note: Mowing locations are not drawn to scale.

Date Modified: 1/21/2019





# ZONE 2

- Median Mowing Locations
  - Miscellaneous Mowing Locations
  - ◆ Cul-De-Sac Mowing Locations
- \* Note: Mowing locations are not drawn to scale.

Date Modified: 10/1/2019





# ZONE 3

- Median Mowing Locations
  - Miscellaneous Mowing Locations
  - Cul-De-Sac Mowing Locations
- \* Note: Mowing locations are not drawn to scale.

City of Houston | 10/2018



**CITY OF WYOMING, MICHIGAN**  
**TABULATION OF BIDS**  
**ON BID #1719, MEDIAN & MISCELLANEOUS LANDSCAPE MAINTENANCE (2019-2021)**  
 Opened By City Clerk On February 19, 2019 At 11:00 a.m. o'clock

Pay Item	Unit	Heyboer Landscape Maintenance	Pro-Mow Lawn Care & Landscaping
Maximum # of Zones to Maintain		1	3
Order of Preference		3	1,2,3

ZONE #1	2019	LUMP SUM	NO BID	\$ 78,600.00
	2020	LUMP SUM	NO BID	\$ 79,800.00
	2021	LUMP SUM	NO BID	\$ 81,000.00

ZONE #2	2019	LUMP SUM	NO BID	\$ 78,600.00
	2020	LUMP SUM	NO BID	\$ 79,800.00
	2021	LUMP SUM	NO BID	\$ 81,000.00

ZONE #3	2019	LUMP SUM	\$ 55,958.00	\$ 81,000.00
	2020	LUMP SUM	\$ 55,958.00	\$ 81,000.00
	2021	LUMP SUM	\$ 55,958.00	\$ 83,000.00

**Additional Miscellaneous Locations:**

Mowing	\$/ .10 ACRE	\$ 28.00	\$ 50.00
Broadleaf Weed Control	\$/ .10 ACRE	\$ 22.00	\$ 40.00
Fertilization	\$/ .10 ACRE	\$ 10.00	\$ 45.00
Weed Control in Concrete Areas	\$/ .10 ACRE	\$ 28.00	\$ 55.00

No Bids Received From: DJ's Landscape Management, Jack's Lawn Service & Snowplowing

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO EXTEND THE BID  
FOR VIDEO INSPECTION AND CLEANING OF EXISTING SANITARY SEWER LINES  
TO PLUMMER'S ENVIRONMENTAL

WHEREAS:

1. On July 5, 2016, the City Council awarded the three-year bid for video inspection and cleaning of existing sanitary sewer lines to Plummer's Environmental, as referenced with Resolution Number 25565.
2. Plummer's Environmental has agreed to extend their bid pricing until June 30, 2020. The unit pricing shall remain unchanged from the previous bid pricing at a unit cost of \$1.47 per linear foot for 8" – 12" sanitary sewer lines and a unit cost of \$1.89 per linear foot for 15" – 24" sanitary sewer lines.
3. Sufficient funds have been budgeted in the sewer maintenance account: 590-441-54200-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council extends the bid for video inspection and cleaning of existing sewer lines to Plummer's Environmental for fiscal year 2020.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                     No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report  
Bid Tab

## STAFF REPORT

DATE: February 19, 2019

SUBJECT: Bid Extension – Video Inspection and Cleaning of Existing Sewer Lines

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: March 4, 2019

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### RECOMMENDATION

The Public Works Department recommends that the City Council extend the bid for video inspection and cleaning of existing sewer lines to Plummer’s Environmental for fiscal year 2020 at a unit cost of \$1.47 per linear foot for 8” – 12” sanitary sewer lines and a unit cost of \$1.89 per linear foot for 15” – 24” sanitary sewer lines.

### SUSTAINABILITY CRITERIA

#### Environmental Quality

By inspecting and cleaning the sanitary sewer lines, Wyoming can work proactively to repair the lines, decreasing the potential of sewer line failures and adverse environmental impacts.

#### Social Equity

Video inspection and cleaning provides a safe, reliable and efficient sewer system for all the citizens of Wyoming without regard to income level or socio-economic status.

#### Economic Strength

By proactively cleaning and inspecting the sewer lines, Wyoming is decreasing the risk of sewer line failures and thus eliminating the additional labor, equipment and material costs that occur during emergency repairs.

### DISCUSSION

On July 5, 2016, the City Council awarded the three-year bid for video inspection and cleaning of existing sanitary sewer lines to Plummer’s Environmental, as referenced with Resolution Number 25565. Plummer’s Environmental has agreed to extend their bid pricing until June 30, 2020. The unit pricing shall remain unchanged from the previous bid pricing as shown in the attached bid tabulations.

The cost of video inspection and cleaning of sanitary sewers is anticipated to be approximately \$250,000 for work performed during the 2020 fiscal year.

### BUDGET IMPACT

Sufficient funds have been budgeted in the sewer maintenance account: 590-441-54200-930.000.

### ATTACHMENTS:

Contract Extension Letter, January 23, 2019  
Bid Tabulations, July 5, 2016

January 23, 2019  
City of Wyoming  
Public Works Department  
Wyoming, MI 49509

Attn: Jodie Theis  
Re: Video Inspection & Cleaning of Sewer Lines

Plummer's Environmental Services, Inc. will extend our current prices to you, for the Video Inspection & Cleaning of Sewer Lines, through June 30<sup>th</sup>, 2020. We appreciate your business and the opportunity to extend the term of our current unit prices for these services.

The current unit prices that we will extend through June 30<sup>th</sup>, 2020 are as follows:

8"-12" Video Inspection & Cleaning of Sewer Lines:	\$1.47/lf
15"-24" Video Inspection & Cleaning of Sewer Lines:	\$1.89/lf

Respectfully,

Dave Van Dyken  
General Manager



CITY OF WYOMING, MICHIGAN - TABULATION OF BIDS  
VIDEO INSPECTION AND CLEANING OF SEWER LINES (2016 - 2019)

Opened By City Clerk On July 5, 2016 At 11:00 a.m. o'clock

Bidder	2016 - 2017					2017 - 2018					2018 - 2019				
	8" - 12" Dia. (Est. 175,000 L.F.)		15" - 24" Dia. (Est. 25,000 L.F.)		Total	8" - 12" Dia. (Est. 175,000 L.F.)		15" - 24" Dia. (Est. 25,000 L.F.)		Total	8" - 12" Dia. (Est. 175,000 L.F.)		15" - 24" Dia. (Est. 25,000 L.F.)		Total
	Unit Cost	Total	Unit Cost	Total		Unit Cost	Total	Unit Cost	Total		Unit Cost	Total	Unit Cost	Total	
Phummer's Environmental	\$1.47	\$257,250.00	\$1.89	\$47,250.00	\$ 304,500.00	\$1.47	\$257,250.00	\$1.89	\$47,250.00	\$ 304,500.00	\$1.47	\$257,250.00	\$1.89	\$47,250.00	\$ 304,500.00
Elite Pipeline	\$1.76	\$308,000.00	\$2.56	\$64,000.00	\$ 372,000.00	\$1.81	\$316,750.00	\$2.63	\$65,750.00	\$ 382,500.00	\$1.86	\$325,500.00	\$2.71	\$67,750.00	\$ 393,250.00
United Resources	\$2.17	\$379,750.00	\$4.34	\$108,500.00	\$ 488,250.00	\$2.17	\$379,750.00	\$4.34	\$108,500.00	\$ 488,250.00	\$2.17	\$379,750.00	\$4.34	\$108,500.00	\$ 488,250.00
National Power Rodding	\$1.85	\$323,750.00	\$3.50	\$87,500.00	\$ 411,250.00	\$2.25	\$393,750.00	\$4.00	\$100,000.00	\$ 493,750.00	\$3.00	\$525,000.00	\$6.00	\$150,000.00	\$ 675,000.00
HESCO	Submitted alternate bid.														
No Bid from the following:	Lanzo Lining, Advanced Underground Inspection, Lake County Sewer, Pollution Control Services, Terra Contracting														

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO ACCEPT A QUOTE FROM HESCO  
FOR THE PURCHASE OF TWO ROSS PRESSURE RELIEF VALVES

WHEREAS:

1. As detailed in the attached Staff Report, HESCO provided the City with a quote for the purchase of a two Ross pressure relief valves in the total amount of \$8,134.86.
2. It is recommended City Council accept the quote from HESCO.
3. Funds for the purchase are budgeted in the Water Treatment Plant Capital Outlay account number 591-591-57300-986444.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept a quote from HESCO for the purchase of two Ross pressure relieve valves in the total amount of \$8,134.86.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

ATTACHMENTS:  
Staff Report  
Letter  
Quote

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. \_\_\_\_\_

## STAFF REPORT

Date: February 13, 2019  
Subject: Purchase of Pressure Relief Valves  
From: Tom Wilson, Utility Maintenance Manager  
Meeting Date: March 4, 2019

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### RECOMMENDATION:

It is recommended that the quote for two Ross Pressure Relieve Valves be awarded to Hamlett Engineering Sales Company (HESCO) in the amount of \$8,134.86. HESCO will furnish the Ross Pressure Relieve valves with plant staff doing the installation.

### SUSTAINABILITY CRITERIA:

Environmental Quality – The Water Treatment Plant is actively engaged in the protection of Michigan’s natural water environment and the public health of Wyoming’s citizens. As part of our efforts to continue making a positive impact on the environment, it is necessary that our infrastructure and the equipment that keeps it running are maintained in a safe, reliable, and optimal working condition

Social Equity – The Utility function within the City of Wyoming provides the same high quality service to all areas of the City without regard to income level or socio-economic status. All of Wyoming’s residents enjoy equal access to the benefits of our state-of-the-art wastewater and drinking water treatment technologies.

Economic Strength – Regular and proper upkeep of city equipment contributes to the efficiency of the equipment, and to the prevention of untimely and costly repairs or replacement that could potentially interrupt the day to day operations of the Plant.

### QUALITY SERVICE IMPACT:

Proper asset management includes timely assessment of our assets in order to identify items that may need replacement before an emergency situation occurs.

### DISCUSSION:

As part of our asset management program, we are continually looking at the plant’s assets, considering the age of the equipment and the effect of failure on the plant’s operations. Located at the water treatment plant are two Ross pressure relief valves that were installed when the water treatment plant was built in 1966. These valves are well past their life expectancy.

Pressure relief valves protect the pipeline from pressure spikes and water hammer that can occur during pump changes. They also safeguard against unexpected pressure rises within the transmission main system or reverse flow surges. Because of their age and the effect any failure of these valves would have on the plant's operations, we believe it is critical to upgrade these particular assets now.

To avoid unnecessary and expensive redesign of this part of the plant, we requested a quote for the identical make and model of what is currently installed, which are Ross pressure relieve valves. Ross Valve has notified us that HESCO is their exclusive representative in the State of Michigan (see attached letter).

We therefore requested a quote from HESCO for the cost of the two Ross pressure relieve valves, which is \$8,134.86 including freight. The plant staff will remove the old valves and replace them with the new ones.

**BUDGET IMPACT:**

Sufficient funds exist in the Water Treatment Plant Capital Outlay Account #591-591-573.00-986.444 for the purchase of these valves.



P.O. BOX 595, TROY, NEW YORK 12181 TEL 518 274 0961  
-FAX 518 274 0210 WWW.ROSSVALVE.COM

Jan 31, 2019

Ref: Sales Representative & Distribution

To Whom it May Concern:

Hamlett Engineering Sales Company (Hesco), 28838 Van Dyke Avenue, Warren, MI 49093 is our exclusive Representative for the State of Michigan. As such, Hesco is authorized to pursue new product sales, repair and maintenance of existing installed base products and repair of certain competitive installed base products.

Should you require any further assistance, please do not hesitate to contact us. Our company's experience since 1879 is at your service.

Best regards,

ROSS VALVE MFG. CO., INC.

A handwritten signature in blue ink, appearing to read "R. Andrew Ross".

R. Andrew Ross  
Chief Executive Officer

ROSS VALVE MFG. CO., INC.  
TEL 518 274 0961  
FAX 518 274 0210  
andy@rossvalve.com





**Knowledgeable • Professional • Attentive • Likeable**

28838 Van Dyke • Warren, MI 48093  
 Phone: 586.978.7200 • Fax: 586.978.2200  
 www.hesco-mi.com

Tuesday, February 12, 2019

To:	Wyoming, City of CWP Tom Wilson 2350 Ivanrest Ave SW Wyoming, MI 49418-1197	RFQ #:	Verbal
		Quote #:	0696008833HB-Rev 2 Please refer to this number when ordering
Phone:	616-261-3557	Quoted by:	Heather Walker
Fax:	616-261-3590		Heather.walker@hesco-mi.com
E-mail:	twilson@wyomingmi.gov		

**PRICE QUOTE  
Wyoming CWP Pressure Relief Valves**

Item	Description	Qty	Unit Price	Subtotal
1.00	6", Ross Valve Model 50RWR, Pressure Relief Valve, ANSI Class 125# Flanges, Cast Iron Body & Covers (Conforming to ASTM Specification A-126, Class B), Bronze Internals (Conforming to ASTM Specification B-584), Globe Full-Ported Piston Style Construction, Rigid Red Brass Control Piping and Copper Alloy C Control Fittings, Internal/External NSF 61 Coating on all Ferrous Surfaces.  Note: Exact replacement of existing Ross Valve, Serial Numbers 68677 and 69261 both valves set at 80 psi -discharging to atmosphere	2	\$4,067.43	\$8,134.86

Subtotal	\$8,134.86
Taxable Subtotal	\$0.00
Sales Tax [0.0000%]	\$0.00
Misc. Charge	\$0.00
Shipping & Handling Best Way	\$0.00
<b>Grand Total</b>	<b>\$8,134.86</b>

Terms & Conditions	
<b>Proposed Shipping Date</b> 8-12 Weeks After Receiving Order	<b>Payment Terms</b> Net 30

<b>Shipping Method</b> Best Way	<b>Shipping Terms</b> Freight Included
<b>F.O.B.</b> Factory	This Quotation is valid until 3/20/2019.

Thank you for your inquiry!

RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR AWARD OF BIDS

WHEREAS:

1. Formal bids have been obtained on the below listed items.
2. The bids received have been reviewed and evaluated as per the attached Staff Reports.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bids for the listed items as recommended in the attached Staff Reports and summarized below.

Item	Recommended Bidder	Cost
Breathing Air Equipment & Technical Rescue Cart	Apollo Fire Equipment	Bid prices as shown on the attached tabulation sheet
Thermal Imaging Camera	Douglas Safety Systems LLC	Bid prices as shown on the attached tabulation sheet
Active Shooter Kits	On Duty Gear, LLC	Bid prices as shown on the attached tabulation sheet
Bituminous Paving Materials	Michigan Paving & Materials Co.	Bid prices as shown on the attached staff report
Sand	Stoneco of Michigan	Bid prices as shown on the attached tabulation sheet
Stainless Steel Couplings	Etna Supply Co.	Bid prices as shown on the attached staff report
Topsoil	Oetman Excavating	Bid prices as shown on the attached staff report

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on March 4, 2019.

ATTACHMENTS:

Staff Reports  
Tabulation Sheets

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. \_\_\_\_\_

## STAFF REPORT

Date: February 20, 2019

Subject: FEMA AFG Grant Bid Acceptance: Breathing Air Equipment,  
Thermal Imaging Camera

From: Dennis Van Tassell, Assistant Deputy Director of Fire Services

Meeting Date: March 4, 2019

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### RECOMMENDATION:

It is recommended that the City Council accept Apollo Fire Equipment's bid for (1) breathing air system technical rescue cart and (6) air breathing system escape packs. In addition it is recommended that Douglas Safety Systems, LLC is awarded the bid to purchase (1) thermal imaging camera. The bids correspond to the acceptance of the FEMA AFG grant for equipment.

### SUSTAINABILITY CRITERIA:

Environmental Quality – Does not significantly impact this criterion.

Social Equity – The Wyoming Fire Department is an all hazards response fire department. This recommendation will provide equipment that shall ensure that the department is able to respond to varying types of emergencies with equipment that ensures National Fire Protection Association (NFPA) compliance. The variety of equipment includes necessary equipment to conduct awareness and operational level response for workplace accidents, confined space events, structural collapse incidents, water rescue incidents, and trench rescue events.

Economic Strength - The Wyoming Department of Public Safety Fire Bureau is committed to providing excellent customer service. This additional equipment will be purchased by utilizing AFG grant funding that was granted through a Federal funding source (FEMA). The City of Wyoming is responsible to match 10% of the money granted. The grant money received through FEMA totals \$138,573.00. The City of Wyoming must match \$13,857.00 to receive total funding. The total grant process is \$152,430.00.

### DISCUSSION:

On February 12, 2019 five responses were received for the breathing air system equipment and thermal imaging camera. Forty-seven invitations to bid were sent to prospective bidders.

In 2017 the City of Wyoming Public Safety Department Fire Bureau wrote a grant to purchase equipment that ensures that when the department responds to all hazards, it is utilizing NFPA compliant equipment. The grant was written following National Fire Protection Agency (NFPA) standards that were created for specialized response criteria. The equipment that will be purchased is hard equipment that will have a multi-year life-span. The equipment will be capable of being utilized the entire lifetime of the heavy rescue apparatus that was purchased for this specific response parameter in 2017.

Air Breathing Rescue Equipment is vital equipment utilized to support the mission of the Wyoming Department of Public Safety Fire Bureau. Multiple bids were received for this equipment. Apollo Fire Equipment was chosen due to quality of bid equipment and total bid pricing.

Thermal Imaging Cameras are instrumental during fire-fighting and rescue situations. The bids were reviewed and each brand of thermal imaging camera was tested to see which camera had the operational capabilities that are needed by the department. After multiple training evolutions, it was determined that the FLIR K65 TIC was the best product for the operational needs of the department because of: picture quality, weight, and size of the camera. The two companies that bid this make/model were Fire Equipment Associates and Douglas Safety Systems, LLC. The low bidder, Fire Equipment Associates, was eliminated because it required a trade in of cameras currently in use by the department.

**BUDGET IMPACT:**

The Department of Public Safety's Fire Service applied for and received a grant through the Federal Emergency Management Association's (FEMA) Assistance to Firefighter Grant (AFG) in the amount of \$138,573.00. The City of Wyoming will provide matching funds in the amount of \$13,857.00. The grant will be used to obtain critically needed resources to equip and train emergency personnel with equipment that allows the department to meet National Fire Protection Association Standards when responding to emergency events, enhance operational efficiencies, foster interoperability, and support community resilience.

Funds are available in account number 101-337-33800-975.000 Fire – Buildings – Capital Outlay for the 10% matching funds.

Attachment: Tabulation Sheet

# City of **Wyoming** Michigan

TABULATION OF BIDS  
 FOR BREATHING AIR SYSTEM EQUIPMENT AND THERMAL IMAGING CAMERA  
 OPENED BY THE CITY CLERK ON FEBRUARY 12, 2019 AT 11:00 A.M. O'CLOCK

	5 Alarm Fire and Safety	Douglas Safety Systems, LLC	Apollo Fire Equipment	Fire Equipment Associates*	Fire Equipment Associates
Breathing Air Systems Technical Rescue Cart	\$ 9,743.00	No Bid	\$ 8,560.00		
Air Breathing System Escape Pack	\$ 1,325.00	No Bid	\$ 1,240.00		
Thermal Imaging Camera	\$ 5,995.00	\$ 6,454.00	\$ 6,437.00	\$ 5,525.00	\$ 6,525.00
<b>Total</b>	<b>\$ 17,063.00</b>		<b>\$ 16,237.00</b>		
* Requires trade-in of a fire thermal imaging camera					

## STAFF REPORT

Date: February 22, 2019  
Subject: Active Shooter Kits  
From: Captain James Maguffee  
Meeting Date: March 4, 2019

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### RECOMMENDATION:

I respectfully recommend the City Council accept a bid from On Duty Gear, LLC for 20 Armor Express Active Shooter Kits.

### SUSTAINABILITY CRITERIA:

Environmental Responsibility – No remarkable impact to this criterion

Social Equity – This vital protective gear equips officers to quickly and directly respond to active, high risk threats by heavily armed and actively violent bad actors. It is directly related to our mission of serving and protecting everyone who lives, works, or visits the City of Wyoming.

Economic Strength – Ballistic protection equipment is always an expensive purchase. This particular equipment takes advantage of recent design improvements that offer excellent protection in a new format that is a fraction of the cost of the expiring equipment it is replacing.

Customer Service – No remarkable impact to this criterion

### DISCUSSION:

On February 12, 2019 we received one bid response after sending out 72 invitations to bid for ballistic protection kits. These kits, called Active Shooter Kits (or ‘heavy vests’ by the officers), include heavy ballistic panels that provide protection from rifle fire (which our individual ballistic vests do not), special carriers, a storage bag, and tags that verify the gear is ready to deploy – so officers can quickly inspect at the beginning of a shift. These kits are placed in each cruiser and allow any officer using that vehicle to access this gear during high risk call response.

Ballistic panels expire and many of our current heavy vests are about to reach that expiration. The new design I alluded to above offers excellent ballistic protection but is lighter, easier to don and doff, and much less expensive than the models we are replacing. Even though we received only one bid response, the cost is less than we anticipated by approximately \$3,000. The 20 kits will cost \$10,400.

This purchase was approved in the supplemental budget request process. Funds are available in account number 265.305.31500.973.013.

Attachment: Tabulation Sheet

TABULATION OF BIDS  
 FOR ACTIVE SHOOTER KITS  
 OPENED BY THE CITY CLERK ON FEBRUARY 12, 2019 AT 11:00 A.M. O'CLOCK

	On Duty Gear LLC		
	Bid Price (each)	Quantity	Total
Hard BAL Plate Carrier (black)	\$ 155.00	1	\$ 155.00
2 Level IV 10x12 Single Curve Shooter's Cut Rifle Rated Plates	\$ 150.00	2	\$ 300.00
First Responder Carry Bag	\$ 45.00	1	\$ 45.00
Police ID Tags	\$ 20.00	1 Set	\$ 20.00
Total Bid Price Per Armor Express Active Shooter Kit			\$ 520.00
Estimated Quantity To Be Purchased			20
		<b>Total Bid Price</b>	<b>\$ 10,400.00</b>

## STAFF REPORT

DATE: February 20, 2019

SUBJECT: Bid Award – Bituminous Paving Materials

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: March 4, 2019

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### RECOMMENDATION:

It is recommended that the City Council award the bid for bituminous paving materials to the low bidder, Michigan Paving & Materials Co., at \$60.00 per ton for 36A top mix asphalt and \$59.00 per ton for 13A base mix asphalt.

### SUSTAINABILITY CRITERIA:

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The City's use of asphalt, made from materials that are able to be recycled, reduces the consumption of natural resources and the dumping of asphalt materials in landfills.

#### Social Equity

Street and utility repairs are provided throughout the City without regard to income level or socio-economic status.

#### Economic Strength

The use of asphalt allows the Public Works Department to provide high quality street and utility repairs. Maintaining the City's streets and infrastructure sustains public and private property values.

### DISCUSSION:

On Tuesday, February 12, 2019, the City received three bids for bituminous paving materials. Forty invitations to bid were sent to prospective bidders. Michigan Paving & Materials Co. was the low bidder.

The Public Works Department repairs asphalt streets damaged by weather and utility failures throughout the year. In order to make permanent repairs in the warmer months, damaged asphalt must be removed and replaced.

The Public Works Department uses approximately 1,400 tons of asphalt top mix and approximately 1,000 tons of asphalt base mix each year. The unit price of 36A top mix is \$60.00 per ton, for an estimated yearly total cost of \$84,000.00. The unit price of 13A base mix is \$59.00 per ton, for an estimated yearly total cost of \$59,000.00. The low bid for 36A top mix is an increase of 2% from last year's bid price of \$59.00, and the low bid for 13A base mix is an increase of 3% from last year's bid price of \$57.00.

**BUDGET IMPACT:**

Sufficient funds are available in the street, sewer and water maintenance accounts: 202-441-46300-775.000, 203-441-46300-775.000, 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

**BID TABULATION**

Bidder	36A Bituminous Top Mix			13A Bituminous Base Mix		
	Est. Qty. (Tons)	Unit Price (Per Ton)	Total (Based on Est. Qty.)	Est. Qty. (Tons)	Unit Price (Per Ton)	Total (Based on Est. Qty.)
Michigan Paving & Materials Co.	1,400	\$ 60.00	\$ 84,000.00	1,000	\$ 59.00	\$ 59,000.00
Reith-Riley Construction Co.	1,400	\$ 63.00	\$ 88,200.00	1,000	\$ 61.00	\$ 61,000.00
Superior Asphalt, Inc.	1,400	\$ 66.00	\$ 92,400.00	1,000	\$ 64.00	\$ 64,000.00

## STAFF REPORT

DATE: February 20, 2019  
SUBJECT: Bid Award - Sand  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: March 4, 2019

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### RECOMMENDATION:

It is recommended that the City Council award the bid for sand to the sole bidder, Stoneco of Michigan at a unit price of \$6.70 per Ton.

### SUSTAINABILITY CRITERIA:

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The use of sand is used for proper drainage and helps to prevent soil erosion, protecting the natural landscaping.

#### Social Equity

Street and utility repairs are provided throughout the City without regard to income level or socio-economic status.

#### Economic Strength

The use of sand allows the Public Works Department to provide high quality street and utility repairs. Maintaining the City's streets and infrastructure sustains public and private property values.

### DISCUSSION:

On Tuesday, February 12, 2019, the City received one bid for sand. Seventy-five invitations to bid were sent to prospective bidders. Stoneco of Michigan was the sole bidder.

The Public Works Department utilizes sand throughout the City to make repairs in the roadways, right-of-ways and private property that has been damaged by utility repairs or asphalt or concrete failures.

The Public Works Department uses approximately 3,500 tons of sand each year. The unit cost of the sand will be \$6.70 per Ton, for an estimated yearly total cost of \$23,500. The bid for sand is an increase of 19% from last year's bid price of \$5.45 per Ton. The material is delivered to the Public Works Department, where a stockpile of sand is maintained.

### BUDGET IMPACT:

Sufficient funds are available in the street, sidewalk, sewer and water maintenance accounts: 202-441-46300-775.000, 203-441-46300-775.000, 211-441-44210-775.000, 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

BID TABULATION

<b>Bidder</b>	<b>Sand (per ton)</b>
Stoneco of Michigan	\$ 6.70

## STAFF REPORT

DATE: February 20, 2019  
SUBJECT: Bid Award - Stainless Steel Clamp Couplings  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: March 4, 2019

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### RECOMMENDATION:

It is recommended that the City Council award the bid for stainless steel clamp couplings for water main and sewer repairs to the low bidder, Etna Supply Company, at the unit prices listed on the attached Bid Tabulation.

### SUSTAINABILITY CRITERIA:

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. The use of stainless steel couplings for water main and sewer repair allows for timely repair of these utilities that otherwise would need extensive excavation, repair and restoration.

#### Social Equity

Utility repairs are provided throughout the City without regard to income level or socio-economic status.

#### Economic Strength

The use of stainless steel clamp couplings allows the Public Works Department to provide high quality utility repairs without removal of significant portions of water mains. Maintaining the City's streets and infrastructure sustains public and private property values.

### DISCUSSION:

On Tuesday, February 12, 2018, the City received two bids for stainless steel clamp couplings. Forty-eight invitations to bid were sent to prospective bidders. Etna Supply Company was the low bidder.

The Public Works Department utilizes stainless steel clamp couplings to repair damaged water mains and sewers throughout the City of Wyoming. Sewer main and water main breaks can be caused by several factors, including age, freezing or thawing of soil, pipe corrosion, soil conditions, or ground movement.

The Public Works Department is anticipating a yearly total of approximately \$8,500.00 for stainless steel clamp couplings. The total price based on estimated quantities is a decrease of 7% from last year's total price.

**BUDGET IMPACT:**

Sufficient funds are available in the sewer and water maintenance accounts: 590-441-54200-775.000 and 591-441-56200-775.000.

**BID TABULATION**

Est. Qty.	Nom. Size (inches)	O.D. Range (inches)	Width (inches)	Weight (pounds)	Etna Supply Company		Ferguson Waterworks	
					Unit Price	Total (based on est. qty.)	Unit Price	Total (based on est. qty.)
2	4	4.74-5.14	12	10.5	\$66.25	\$132.50	\$115.34	\$230.68
30	6	6.84-7.24	12	12.2	\$75.44	\$2,263.20	\$138.74	\$4,162.20
6	6	6.84-7.24 with 1" tap	12	12.2	\$97.27	\$583.62	\$168.74	\$1,012.44
6	6	6.84-7.24	15	14.6	\$83.43	\$500.58	\$153.02	\$918.12
15	8	8.99-9.39	12	14.5	\$88.71	\$1,330.65	\$163.40	\$2,451.00
4	8	8.99-9.39 with 1" tap	12	14.5	\$110.54	\$442.16	\$193.39	\$773.56
4	8	8.99-9.39	20	23.2	\$148.50	\$594.00	\$163.40	\$653.60
4	10	11.04-11.44	12	16.5	\$119.66	\$478.64	\$212.87	\$851.48
6	12	13.10-13.50	12	18.7	\$138.58	\$831.48	\$246.70	\$1,480.20
2	6	6.84-7.24 with 1" tap	20	20	\$150.38	\$300.76	\$260.81	\$521.62
2	8	8.99-9.39 with 1" tap	20	23	\$160.82	\$321.64	\$294.51	\$589.02
2	12	13.10-13.50 with 1" tap	20	29	\$226.79	\$453.58	\$417.39	\$834.78
0	16	17.15-18.35	20	53	\$425.77	\$0.00	\$943.51	\$0.00
<b>Total</b>					<b>\$8,232.81</b>		<b>\$14,478.70</b>	
<b>Brand of clamps bid</b>					Ford FS1 and Ford FS2		Romac 551 and Romac 553	
<b>Is there a location within 15 miles to the City of Wyoming limits available for 24/7 Emergency Purchases?</b>					Yes		Yes	

## STAFF REPORT

DATE: February 20, 2019  
SUBJECT: Bid Award - Topsoil  
FROM: Jodie Theis, Public Services Supervisor  
Date of Meeting: March 4, 2019

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### RECOMMENDATION:

It is recommended that the City Council award the bid for topsoil to the sole bidder, Oetman Excavating LLC at a unit price of \$7.95 per ton for both unscreened topsoil and screened topsoil.

### SUSTAINABILITY CRITERIA:

#### Environmental Quality

The Public Works Department is actively involved in the protection of Michigan's natural resources and the public's health and welfare. Topsoil purchased and used by the City is made from composted materials.

#### Social Equity

Street and utility repairs are provided throughout the City without regard to income level or socio-economic status.

#### Economic Strength

The use of topsoil allows the Public Works Department to provide high quality street and utility repairs. Maintaining the City's streets and infrastructure sustains public and private property values.

### DISCUSSION:

On Tuesday, February 12, 2019, the City received one bid for topsoil. Sixty-five invitations to bid were sent to prospective bidders. Oetman Excavating LLC was the sole bidder.

The Public Works Department utilizes topsoil throughout the City to make repairs in the right-of-ways and private property that has been damaged by utility repairs or tree removals.

The City uses approximately 1,200 tons of screened topsoil each year. The unit price of screened topsoil will be \$7.95 per ton, for an estimated yearly total cost of approximately \$9,500. The unit price is a decrease of less than 0.5% from last year's bid price of \$7.97. The material is delivered to the Public Works Department where a stockpile of topsoil is maintained.

**BUDGET IMPACT:**

Sufficient funds are available in the street, sidewalk, sewer and water maintenance accounts: 202-441-46300-775.000, 203-441-46300-775.000, 211-441-44210-775.000, 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

**BID TABULATION**

<b>Bidder</b>	<b>Unscreened Topsoil (per Ton)</b>	<b>Screened Topsoil (per Ton)</b>
Oetman Excavating LLC	\$ 7.95	\$ 7.95

ORDINANCE NO. 5-19

ORDINANCE TO AMEND CHAPTER 34, ARTICLE IV, OF THE CITY CODE  
TO ALIGN WITH AMENDED STATE FIREWORKS REGULATIONS  
AND TO PROVIDE PENALTIES FOR VIOLATIONS

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 34, Article IV, of the Code of Ordinances, City of Wyoming, Michigan, is amended to read as follows:

**ARTICLE IV. – FIREWORKS**

Sec. 34-101. - Definitions.

- (a) Act 256 means the Michigan Fireworks Safety 2011 PA 256, MCL 28.451 et seq.
- (b) Other terms shall have the meanings provided in Act 256.

Sec. 34-102. - Sale of fireworks – state license required.

A retailer or other person may not sell consumer fireworks or low impact fireworks within the city unless such person has obtained and has in effect a valid consumer fireworks certificate issued by the State of Michigan and otherwise complies with the requirements of Act 256 and any rules and regulations promulgated pursuant thereto including those related to storage.

Sec. 34-103. - Firework displays. – Articles pyrotechnics.

Fireworks displays and the use, ignition or discharge of articles pyrotechnics in the city shall require the prior consent of the city by resolution of the city council and shall also require any license required by Act 256.

Sec. 34-104. - Use of homemade fireworks prohibited.

No person shall make, possess, store, ignite, discharge, or use homemade fireworks in the city.

Sec. 34-105. - Firework safety.

No person shall endanger the life, health or safety of any other person by the sale, possession, transport, use, display, ignite or discharge of any fireworks.

Sec. 34-106. - Location.

(a) Except under the terms and conditions of a permit issued to this article, no person shall, at any time, ignite, discharge, use or display any fireworks upon another person's property or within 15 feet of another person's property without such property owner's permission.

(b) No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued pursuant to this article, any fireworks in any (i) public street, sidewalk, pedestrian or bicycle path, or right-of-way, (ii) public park, (iii) school property, (iv) place of worship, or (v) other place of public assembly.

Sec. 34-107. - Permits.

(a) The city may issue nontransferable permits for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, special effects or special effects manufactured for outdoor pest control or agricultural purposes or for public display provided that the applicable provisions of Act 256 are met.

(b) An application for a permit on a form prescribed by the city shall be made for the use of fireworks requiring a permit at least 45 days in advance of such use. A permit fee for a fireworks permit shall be established by the city council.

Sec. 34-108. – Fire Personnel Authorization.

The city fire chief and other city firefighters are authorized to exercise all rights and to take any actions authorized by Act 256, including without limited to, those provided in section 7a or Act 256, MCL 29-7a.

Sec. 34-109. - Regulation of hours of discharge of consumer fireworks.

(a) Persons may ignite, discharge or use consumer fireworks only on the following days:

- (1) 11:00 a.m. on December 31 until 1:00 a.m. on January 1.
- (2) The Saturday and Sunday immediately preceding Memorial Day from 11:00 a.m. until 11:45 p.m. on each of those days.
- (3) June 29 to July 4 from 11:00 a.m. until 11:45 p.m. on each of those days.
- (4) July 5, if that date is a Friday or Saturday, from 11:00 a.m. until 11:45 p.m.
- (5) The Saturday and Sunday immediately preceding Labor Day from 11:00 a.m. until 11:45 p.m. on each of those days.

(b) Any person who violates this section shall be subject to a civil fine of \$1,000. From the fine collected for a violation of this section, \$500 shall be remitted to the city's department of public safety as provided in section 7(3) of Act 256, MCL 28.457(3).

(c) A civil infraction may be issued under this section by any officer of the city's department of public safety or fire department command or supervisory personnel.

Sec. 34-110. – Other violations.

Violations of provisions of this article other than section 34-109 shall be misdemeanors punishable as provided in section 1-26 of this Code.

Secs. 34-111—34-119. – Reserved.

Section 2. This ordinance shall take effect upon the later of 15 days after its adoption or upon publication as required by applicable law.

Kelli A. Vandenberg  
Wyoming City Clerk

## STAFF REPORT

Date: February 27, 2019  
Subject: Fireworks Ordinance Amendment – Ordinance No. 5-19  
From: Scott Smith, City Attorney  
Meeting Date: March 4, 2019

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### Background:

Recent fireworks legislation, 2018 PA 634, 2018 PA 635 and 2018 PA 679, better regulates sellers of consumer fireworks, gives the DNR and City fire chief broader authority to prohibit fireworks in certain local drought/climate conditions, and requires a fine of \$1,000 for discharging consumer fireworks on days other than those permitted in a local ordinance with half of the fine to be remitted to the local law enforcement agency. It also permits the local ordinance to limit the use of consumer fireworks to the following days and times.

- 11 a.m. on December 31 until 1 a.m. on January 1.
- Saturday & Sunday immediately preceding Memorial Day from 11 a.m. until 11:45 p.m.
- June 29 to July 4 from 11 a.m. until 11:45 p.m.
- July 5, if it is a Friday or Saturday, from 11 a.m. until 11:45 p.m.
- Saturday and Sunday immediately preceding Labor Day from 11 a.m. until 11:45 p.m.

### Recommendation:

Adopt proposed Ordinance No. 5-19 to Amend Chapter 34, Article IV, of the City Code to align with amended state fireworks regulations and to provide penalties for violations.

### Sustainability Criteria:

Environmental Quality – Approval will positively affect environmental quality because there will be fewer days on which there will be the noise, debris and potential fire hazards from fireworks.

Social Equity – Approval will be in line with ordinances in their communities so that area residents all will have similar restrictions.

Economic Strength – Increased fines with a portion going to the Department of Public Safety will provide some offset to costs of enforcement.

Quality Customer Service – Approval will ensure the City is consistent with state law and with ordinances in other Kent County communities making it easier to comply.

ORDINANCE NO. 6-19

ORDINANCE TO AMEND CHAPTER 90 OF THE CITY CODE BY ADDING SECTIONS 90-416C THROUGH 90-419C TO ARTICLE 4C, BY AMENDING SECTION 90-510 IN ARTICLE 5 AND BY ADDING SECTIONS 90-511 THROUGH 90-514 TO ARTICLE 5 TO PROVIDE FOR A PUD-4 GENERAL PLANNED ZONING DISTRICT

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 4 of the Code of Ordinances, City of Wyoming, Michigan is amended by adding sections 90-416C through 40-419C to read as follows:

**Sec. 90-416C Purpose**

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the city relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Wyoming Master Plan, Planned Unit Development (PUD) may be permitted as a zoning district to achieve one of more the following purposes:

- (A) provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the city, in general;
- (B) accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this ordinance;
- (C) achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities;
- (D) provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city;
- (E) preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
- (F) encourage the utilization of open space and development of recreational amenities generally located within walking distance of all living units;
- (G) encourage the use of lands in ways which are most in accord with their character and adaptability;
- (H) encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features; and
- (I) offer a unique attribute of development not achievable under conventional zoning requirements.

**Sec. 90-417C Qualifying Conditions**

- (A) Location. PUD's may be located in any part of the city, subject to meeting all other applicable requirements.
- (B) PUD Purpose. The applicant shall demonstrate that the PUD will achieve three (3) or more of the purposes listed in Section 90-416C.
- (C) Size. The PUD shall comprise an area of at least three (3) acres; provided, a smaller area may be allowed when it is demonstrated to the Planning Commission that the proposed project will satisfy all other qualifying conditions of this section and the acquisition of additional contiguous land is not reasonably possible.
- (D) Residential Density. Proposed density shall conform to the requirements of Table 90-420C(2).
- (E) Housing Variety. A residential PUD shall contain a variety of housing types and/or lot sizes and/or contribute to housing needs identified in current housing needs assessments to provide for varying lifestyles, diversity, and affordability.
- (F) Utilities. The PUD shall be served by public water and sanitary sewer facilities.
- (G) Ownership and Control. The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. A PUD applicant shall submit written documentation that the owners of all property included within the PUD have consented to the PUD application. Where property is jointly

owned, the consent must be from all owners. Written documentation must include the signatures of all individuals with an ownership interest and the signature of an officer, member, general partner or other individual authorized to sign on behalf of any entity with an ownership interest. Consent may be demonstrated by signatures on the PUD application or may be in the form of a letter or other signed written documentation consenting to the application or authorizing the applicant to file it.

- (H) Recognizable Public Benefit. The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:
- (1) Preservation of significant natural features that would not be preserved under a conventional development,
  - (2) A complementary mix of land uses or housing types within the PUD,
  - (3) Preservation of common open space beyond the minimum required,
  - (4) Connectivity of preserved open space with adjacent open space, greenways or public trails,
  - (5) Connectivity of residential uses with adjacent dedicated public transit options,
  - (6) Coordinated redevelopment of multiple lots or parcels, and/or
  - (7) Removal or renovation of deteriorating and/or obsolete buildings, sites or contamination clean-up.

**Sec. 90-418C Permitted Uses**

Any land use, except as noted in this section, or combination of land uses may be considered for inclusion within a PUD; provided, the development standards of Section 90-419C are met. Public/quasi-public uses such as, but not limited to, churches, schools, colleges and universities, municipal buildings, and parks shall only be permitted within a PUD under the following conditions:

- (1) when developed as the principal use with other related and/or accessory uses within a contiguous, integrated, and walkable campus setting or
- (2) when included as an amenity or supplementary service to a residential or mixed-use PUD.

**Sec. 90-419C Development Standards**

- (A) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a PUD, unless modified in accordance with the provisions of Section 90-419C(C). Within a PUD, minimum buffer requirements between uses otherwise specified in this ordinance shall not apply; provided, the Planning Commission or City Council may require separation or buffering of uses as a condition of concept plan approval.

Land Use Type	Applicable Development Standards
Detached single family residential	R-2
Two family residential	R-3
Attached single family residential	R-4
Multiple family	
Commercial	B-2
Industry	I-1
Public/Quasi-public	ER

- (B) Project Scale. Based on the total area of the PUD site, the following shall be permitted:

PUD Size	Permitted Density	
	Maximum Density	Maximum w/ Density Bonus
< 5 Acres	20 du/ac*	30 du/ac^
5.1 – 35 Acres	18 du/ac*	25 du/ac^
35.1 – 100 Acres	15 du/ac*	20 du/ac^

\*Max density permitted within that portion of the PUD to be occupied by residential uses, including streets, parking, and required yards; provided, a traffic study demonstrates that the adjacent City street network will continue to function at an acceptable level of service and a sewer study demonstrates the ability of city sewer and water systems to accommodate proposed density

^ Max density permitted within that portion of the PUD to be occupied by residential uses, including streets, parking, and required yards; provided, a traffic study demonstrates that the adjacent City street network will continue to function at an acceptable level of service and a sewer study demonstrates the ability of city sewer and water systems to accommodate proposed density and developer receives a density bonus from Planning Commission and City Council

(C) Modification of Minimum Requirements. Regulations applicable to a land use in the PUD District may be altered from the requirements specified in Table 90-420C(1), including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, for any residential use, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district, unless the PUD is under the maximum permitted density outlined in Table 90-420C(2) or a density bonus is also granted in accordance with Subsection D below. In the absence of a density bonus, land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a PUD shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary development plan review stage, after Planning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the PUD District, as expressed in Section 90-416C.

(D) Density Bonus. In addition to the modification of minimum requirements permitted in Section 90-419C (C), the City Council, after Planning Commission recommendation, may permit an increase in the total number of residential units otherwise allowed within a PUD, according to the requirements in Table 90-420C(2), where it is demonstrated that:

- (1) The appearance and construction will result in a development of high quality, as evidenced by:
  - (a) varied roof and wall lines, unique architectural features, innovative transportation amenities, extraordinary energy efficiency, etc.;
  - (b) use of more durable and aesthetically pleasing building materials and finishes (*e.g.*, stone, masonry, wood, hardi-plank, and glass rather than vinyl or aluminum siding on exterior walls; slate, copper, steel, tile or other higher grade roofing materials rather than standard asphalt, vinyl or membranes; and using composite, concrete and steel decking materials rather than treated wood); and/or
  - (c) unique transportation-related improvements (*e.g.*, artful bicycle and other 2-wheeled transportation racks, bicycle maintenance or storage facilities; parking areas that are integrated into a pathway system and landscaping).
- (2) The PUD site is within one-quarter mile of a dedicated transit route and includes a fixed transit shelter.
- (3) Amenities, beyond the minimum required open space, will be provided to create a more desirable and enjoyable living environment (*e.g.*, universally accessible playground structures, made of the durable, high quality materials that offer unique play experiences); and
- (4) At least three (3) of the following will be included within the development:
  - (a) Dedicated common open space is provided in excess of the minimum required, per Section 90-419C (E)(1).
  - (b) The PUD site is within one-quarter mile of a full-line grocery store and is accessible via sidewalks.
  - (c) One (1) or more parking structures are proposed within a mixed-use or nonresidential PUD to meet the minimum parking requirements of this ordinance.
  - (d) One (1) or more LEED-certified buildings will be constructed.
  - (e) Significant natural features will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
  - (f) Decorative pavers, public plazas, fountains, or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.

- (g) Sustainability enhancements such as rain gardens, electric vehicle charging stations, wind energy systems, or green infrastructure are incorporated into the PUD.
  - (h) A commercial and/or office component is proposed within the PUD.
  - (i) Affordable or missing middle housing<sup>1</sup> will be incorporated into the residential design.
  - (j) Three (3) or more public benefits, as identified in Section 90-417C(H), will be achieved.
- (E) Common Open Space. For purposes of the PUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for noncommercial educational, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a PUD:
- (1) The area of common open space shall not be less than 20 percent of the total land area of a PUD containing any residential units and not less than 10 percent of the total land area in non-residential developments. Land dedicated for recreation, in accordance with Section 90-419C(E)(3), shall count toward the common open space requirement.
  - (2) The Planning Commission may reduce or waive open space requirements for PUD's on sites less than 5 acres in size upon an agreement with the City to provide funding for improving or sustaining public park amenities located within one-quarter mile of the development site. Such fees paid in lieu of land dedication shall satisfy the open space requirement.
  - (3) All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
  - (4) The open space shall meet the following minimum dimensions, contiguity and connectivity requirements:
    - (a) The required open space shall be centrally located: along the street frontage of the PUD to protect or enhance views; located to preserve significant natural features; adjacent to dwellings; and/or located to interconnect other open spaces throughout the development or on contiguous properties.
    - (b) Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the adjacent yard of those lots abutting it.
    - (c) If the site contains a lake, stream or other body of water, the city may require that a portion of the required open space abuts the body of water.
    - (d) All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors, and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the City Council, upon recommendation of the Planning Commission, may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors, and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.

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<sup>1</sup> Missing Middle is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living. These types provide diverse housing options along a spectrum of affordability, including duplexes, four-plexes, and bungalow courts, to support walkable communities, locally-serving retail, and public transportation options. Missing Middle Housing provides a solution to the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

- (e) Open space areas shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- (f) Grading in the open space shall be minimal, with the intent to preserve existing topography, trees and other natural features, where practical.
- (g) A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s), shall not exceed, in the aggregate, one (1) percent of the open space area. Accessory structures or uses shall not be located near the boundary of the development if they are determined by the Planning Commission to be inconsistent with the use, scale, or character of adjacent residential development. Pathways or sidewalks shall be exempt from this limitation.
- (h) The following areas shall not qualify as required common open space for the purposes of this section.
  - (i) The area within any public street right-of-way.
  - (ii) The area within private road easements.
  - (iii) The area within a subdivision lot.
  - (iv) Land within any required yard or setback area.
  - (v) Parking and loading areas.
  - (vi) Fifty percent of any easement for overhead utility lines.
  - (vii) Fifty percent of any steep slopes (12 percent or over).
  - (viii) Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.
  - (ix) Seventy percent of the area of any golf course<sup>2</sup>.
- (F) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the PUD and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the city design standards.
- (G) Parking. Minimum required parking ratio per residential unit is 1.3 spaces. This ratio may be decreased if the PUD has a dedicated transit line within one-quarter mile of the site and the developer provides transit supportive facilities e.g. bicycle facilities or covered bus stop. The maximum parking ratio per residential unit allowed in a PUD is 1.5 spaces. Requirements for minimum number of spaces for all non-residential uses shall be in accordance with Section 90-600(7). Modifications to the required parking minimums and maximums may be granted by Planning Commission with sufficient justification provided to support any amendments.

Section 2. That Chapter 90, Article 5, Section 90-510 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-510 Procedures for Planned Unit Developments (PUD-1, PUD-2, PUD-3)**

The city has established provisions for creating planned unit developments (PUD's) in order to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city.

- (1) Objectives. The objectives of PUD's are to:
  - (a) Provide opportunities for development where potential land use conflicts make traditional zoning techniques inadequate for protection from adverse impacts;
  - (b) Preserve existing on-site natural features while allowing development at the maximum permissible density;
  - (c) Encourage the use of creative, imaginative and innovative approaches to land development; and

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<sup>2</sup> Any future development of the golf course will be limited to the area not included in the required common open space.

- (d) Require the developer to utilize architectural standards, quality building materials and site amenities when deemed appropriate.
- (2) Administration. Administrative procedures are as follows:
  - (a) Preapplication consultation. Communication between the developer and city staff prior to PUD application is encouraged. The meeting is intended to ensure that the developer is aware of the community's standards and posture on PUD's. Such consultation should occur prior to any extensive outlay of funds on the part of the developer, since the meeting is intended to encourage cooperation and mutual understanding between the applicant and the city. The developer should submit a preliminary sketch plan outlining general existing site characteristics, external and proposed internal land uses, and special relationships between plan features. To obtain information, the developer shall confer with planning department staff and other appropriate department heads in connection with the application for the PUD. The planning staff will offer advice to the applicant regarding his proposal and aid in his understanding of these requirements.
  - (b) Application for PUD zoning. Following a preliminary consultation, the developer may apply for PUD rezoning. Such application must be made at least 30 days before the planning commission meeting, to allow for sufficient review and notice of affected property owners. As part of the rezoning request, the applicant shall submit 16 copies of the following:
    - 1. A drawing at a scale of at least one inch equals 100 feet, including the following:
      - a. A recent map of the site, reflecting area size and boundary line dimensions.
      - b. Existing and proposed topography of the site.
      - c. Existing floodplains, bodies of water and other unbuildable areas.
      - d. Existing and proposed land uses and their approximate locations (general physical design plan).
      - e. Any proposed public use areas, including schools, parks, recreational facilities, etc.
      - f. Calculations showing the net residential density, area distribution of land uses and expected final population of the proposed PUD.
    - 2. A written narrative containing the following:
      - a. An explanation of the general character of the proposed PUD and how it relates to general requirements of this article.
      - b. A statement indicating the need of the proposed project, along with a general schedule of development and marketing strategy, including size of housing units, estimated selling prices and rents.
      - c. An outline stating the form of ownership of designated open spaces, establishment and role of a homeowners association, and any proposed restrictive covenants, including architectural controls, if any.
    - 3. Photographs, architectural renderings or elevations of all proposed buildings other than single-family or two-family dwellings showing the general character of such development.
  - (c) Approval procedure. The approval procedure is as follows:
    - 1. The planning commission shall conduct a public hearing prior to consideration for rezoning to PUD. It shall consider all aspects of the proposed development as required with the PUD application. It may approve, approve with modifications, deny or defer for additional information the PUD application. Each subdivision or development in the PUD area must receive separate planning commission approval as per the applicable city site plan approval and subdivision control requirements.
    - 2. The city council shall act upon the PUD rezoning request in the same manner as a conventional rezoning.
    - 3. The planning commission-approved general physical design plan, written narrative and illustrations required by subsection (2)b of this section shall be filed in the planning and inspections departments to ensure that the requirements prescribed by approval of the PUD request are fulfilled.
  - (d) Changes or amendments. Minor changes or amendments to a particular PUD may be acted upon by the director of planning/community development. Changes deemed major by the director shall be referred to the planning commission.

Section 3. That Chapter 90, Article 5 of the Code of Ordinances, City of Wyoming, Michigan is amended by adding sections 90-511 through 90-514 to read as follows:

**Sec. 90-511 Application Procedures for PUD-4**

- (A) Pre-Application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the city planner to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The city planner shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.
- (B) Preliminary PUD Review and Rezoning. The following procedures shall be followed for the consideration of any PUD request.
- (1) Application. An application for rezoning to the PUD District shall be submitted to the city planner by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission. The applicant may, at his/her sole discretion, submit a final development plan, as specified in Section 90-511(C)(3), in lieu of the concept plan; provided, all other review procedures of Section 90-511(B) shall be applicable.
- (a) Concept Plan. A preliminary concept plan shall be submitted and include the following:
- (i) Name, address, phone number and email address of the applicant
  - (ii) Name, address, phone number and email address of the professional or firm that prepared the plan
  - (iii) Legal description of the property
  - (iv) North arrow, scale and title block
  - (v) General location map
  - (vi) Existing zoning on the subject property and all abutting properties
  - (vii) Property boundary survey
  - (viii) Adjacent buildings and structures within 100 feet of the property boundaries
  - (ix) All perimeter streets abutting the property, including right-of-way width
  - (x) Existing topographic conditions (two (2) foot intervals)
  - (xi) Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
  - (xii) Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan
  - (xiii) Proposed uses within the PUD
  - (xiv) Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
  - (xv) Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
- (b) Project Narrative. A written statement shall also be submitted with the application, providing the following information:
- (i) Statement of how the PUD meets each of the Qualifying Conditions specified in Section 90-417C.
  - (ii) Identification of the present owners of all land within the proposed project.
  - (iii) Explanation of the proposed character of the PUD, including a summary of acreage by use, number and type of dwelling units, gross residential density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
  - (iv) A complete description of any requested deviations from the minimum spatial or other requirements applying to the property, in accordance with Section 90-419C(C).

- (v) An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 90-419C(D).
  - (vi) A general description of the proposed development schedule and anticipated phases.
  - (vii) Intended agreements, provisions and covenants to govern the use of the development, approval of building materials/architectural styles, and open space areas to be preserved.
  - (viii) A traffic impact analysis, per Section 90-504 (3), may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal. Otherwise, it shall be required as part of the final site plan application.
  - (ix) A sewer impact study may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal.
- (2) Planning Commission Review. Following receipt of a complete application package, the city planner will cause the application materials to be forwarded to the Planning Commission for review. After submission of a complete application and all required plans and information, the Planning Commission shall schedule and conduct a public hearing and make a recommendation to the City Council regarding the rezoning to PUD and the concept plan, as follows:
- (a) Notice of hearing. Public notice of the time, date, location and purpose of the hearing shall be provided, in accordance with the requirements of the Michigan Zoning Enabling Act.
  - (b) Public hearing. The Planning Commission shall conduct a public hearing in accordance with its rules of procedure.
  - (c) Recommendation. Following the public hearing, the commission shall recommend to council that the preliminary concept plan and PUD zoning be approved as presented, approved with supplementary conditions, or denied. The recommendation shall be based on the standards of Section 90-512.
  - (d) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (3) City Council Action. Upon receiving the recommendation from the Planning Commission, council shall take final action on the request in accordance with the following:
- (a) Public hearing. Council shall conduct a public hearing, notice of which shall be provided in accordance with the requirements of the Michigan Zoning Enabling Act.
  - (b) Action. Following the public hearing, review of the PUD application and concept plan, and consideration of the Planning Commission recommendation, Council shall approve, approve with supplementary conditions, or deny the preliminary concept plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of Section 90-512. In any case, council may table the matter at its discretion for further study.
  - (c) Conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this ordinance.
  - (d) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (C) Final PUD Review. The following procedures shall be followed for the review of the final development plan.
- (1) Timing. An application for final development plan approval shall be filed not later than 24 months after the date of approval of the concept plan and zoning change, otherwise the concept plan approval shall be considered expired. One (1) extension of up to twelve (12) months may be authorized by the city planner for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the city planner who shall make a written determination regarding the decision to extend or deny the extension. Both the request and the determination shall be made part of the record.

- (2) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the city planner to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the concept plan approval, review procedures, and conformance of the final development plan with the approved concept plan. The city planner shall notify other staff, as applicable. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.
- (3) Application. An application for approval of the final development plan shall be submitted to the city planner by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission.
  - (a) Final Plan. A final development plan, substantially consistent with the approved preliminary concept plan and containing all information required in Section 90-504 (site plan), shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.
  - (b) Project Narrative. A project narrative shall also accompany the application and final development plan and provide the following:
    - (i) Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership, and control of development and common areas;
    - (ii) Identification of the entity responsible for maintenance of common areas;
    - (iii) Description of all deviations from the otherwise applicable zoning requirements;
    - (iv) Net and gross density of any residential component of the project;
    - (v) Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
    - (vi) Restrictions or requirements regarding architectural style and/or building materials;
    - (vii) Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
    - (viii) An anticipated development schedule by phase, if applicable.
- (4) Private Covenants and Restrictions.
  - (a) Covenants and restrictions for the property within any PUD district are required and must be recorded with the Kent County Register of Deeds prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
  - (b) Covenants and restrictions shall:
    - (i) Be based on the conditions attached to the approved PUD application;
    - (ii) Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
    - (iii) Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 90-419C(E); and
    - (iv) Establish a condominium association, homeowner's association, or other entity that can ensure sufficient funding is provided by owners or occupants of the property in the PUD to maintain all private roads and other private infrastructure, signage, sidewalks, pathways, parking areas, green spaces, recreational facilities, community buildings, pools and other amenities within the development. The documentation shall be in a form acceptable to the City Planner, City Manager and City Attorney.

- (5) Phased Projects. If a proposed PUD is to be constructed in two (2) or more phases, final site plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given concept plan approval and that each subsequent phase shall be submitted for final site plan approval and is consistent with the approved concept plan. The Planning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
- (6) Planning Commission Action. Following receipt of a complete application package, the city planner shall cause the application materials to be forwarded to the Planning Commission for review. Following submission of a complete application and all required plans and information, the Planning Commission shall consider the application and take action to approve, approve with conditions, disapprove or table the final site plan, based on the review standards of Section 90-512 and the site plan standards of Section 90-505. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (7) Performance Guarantee. In conjunction with the approval of a final development plan, the petitioner may be required to provide a performance guarantee for all public and common improvements, in accordance with Section 90-504(2). The City Council may require such financial assurance or the requirement to provide such financial assurance as a condition of approval of the rezoning or overall development plan for the subject site.
  - (a) The performance guarantee shall address (i) the time(s) for starting and completing the construction and installation of public and common improvements, especially in relationship to issuance of construction and occupancy permits for dwelling, commercial and other units within the PUD; (ii) provide one or more assurances for funding the costs of constructing and installing those public and common improvements; and (iii) provide funding for the costs of operating, maintaining, repairing, and, as may be needed to comply with applicable legal requirements, replacing or improving those public and common improvements.
  - (b) The performance guarantee may include one or more of a variety of instruments, documents and methods which shall be in a form and substance acceptable to the City Engineer, City Planner, City Attorney and City Manager. The performance guarantee may include one or a combination of such approaches as, for example and not for limitation, the following, provided that together result in meeting the requirements in subsection A.
    - (i) An enforceable agreement or enforceable covenants and restrictions recorded with the Kent County Register of Deeds, that no construction or occupancy permit(s) will be issued for certain components of the development until certain public or common improvements are completed.
    - (ii) Performance or surety bonds, payment bonds, letters of credit, escrowed funds, or other financial assurances that the City or PUD residents or property owners can access to ensure completion of the public or common improvements.
    - (iii) Provisions for condominium, homeowners', unit owners' or other association with the ability to levy and collect dues, assessments or other fees sufficient to fund the costs of operating, maintaining, repairing, and, as may be needed to comply with applicable legal requirements, replacing or improving those public and common improvements.
  - (c) It is the intent of this requirement to ensure the public and common area improvements are (i) properly constructed and installed, and (ii) properly operated, maintained, repaired, and, as may be needed to comply with applicable legal requirements, replaced or improved without costs to the City or other governmental entities and without inappropriate or unfairly apportioned costs among the owners and occupants of property within the PUD.
  - (d) Whether or not the performance guarantee proposed by the PUD applicant (a) meets the requirements of this section and (b) results in the appropriate and fair apportioning of

costs will be determined by City Council based on the recommendation of the Planning Commission, City Engineer, City Planner, City Attorney and City Manager.

- (8) Expiration. Approval of the final site plan by the Planning Commission shall expire 12 months after the date of that approval, unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted, in accordance with the requirements of Section 90-503 (7).

**Sec. 90-512 Review Standards**

In considering a PUD request, the Planning Commission and/or City Council, as applicable, shall find that the proposed development meets all applicable requirements, as well as the following general standards:

- (A) PUD Purpose. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 90-416C.
- (B) Qualifying Conditions. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 90-417C.
- (C) Master Plan. The PUD shall be consistent with the recommended future land use patterns, goals, and relevant recommendations contained in the City of Wyoming Master Plan.
- (D) Surrounding Uses. The development shall be compatible with the existing and intended uses surrounding the subject property.
- (E) Natural Environment. The design and layout of the PUD shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- (F) Public Facilities and Services. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- (G) Health, Safety, and Welfare. The PUD shall not contain uses or conditions of use that may be unduly injurious to the public health, safety or welfare.
- (H) Consistent with All Standards and Requirements. The proposed development shall conform to all applicable requirements of this ordinance, unless specifically modified and approved, as authorized by Section 90-419C(C).
- (I) Final Site Plan. The final site plan is substantially consistent with the representations made and plans shown during the prior preliminary concept plan stage of approval.
- (J) Recognizable and Substantial Benefits. Approval of the PUD will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two (2) or more of the benefits specified in Section 90-417C(H).

**Sec. 90-513 Changes to an Approved PUD**

Changes to an approved final development plan shall be permitted only under the following circumstances:

- (A) The holder of an approved final development plan shall notify the city planner of any proposed change to the approved plan.
- (B) Minor changes may be approved by the city planner upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
  - (1) Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
  - (2) Movement of a building or other structure by no more than 10 feet;
  - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
  - (4) Changes in building materials to a comparable or higher quality;
  - (5) Internal changes in floor plans which do not alter the character or intensity of the use;
  - (6) Changes in parking layout that do not alter the number of spaces by more than five (5) percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area; and
  - (7) Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- (C) A proposed change to an approved final development plan that is determined by the city planner to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures

established for the final development plan. When, in the judgment of the City Planner, City Engineer, and the City Attorney, the proposed change is a substantial deviation from the approved preliminary concept plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 90-511(B) and 90-511(C); provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or the City Council.

**Sec. 90-514 Existing PUDs**

Within the city, there are existing PUD's identified on the zoning map as "PUD-1, -2, and -3". These developments shall be exempt from the requirements of this article to the extent that they conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in Section 90-513, shall be subject to the procedural requirements of Section 90-513(C).

Section 4. This ordinance shall take effect upon the later of 15 days after its adoption or upon publication as required by applicable law.

Kelli A. Vandenberg  
Wyoming City Clerk

Ordinance No. 6-19

February 26, 2019

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Proposed Zoning Ordinance Text Amendments to revise Procedures for Planned Unit Developments and create a new general PUD District (Section 90-510 and Article 4C)

Recommendation: To approve the subject Zoning Ordinance amendment.

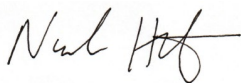
Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on February 19, 2019. A motion was made by Hegyi, supported by Arnoys, to recommend to the City Council adoption of the recommended revised *Procedures for Planned Unit Developments (Section 90-510)* and *new general PUD District (Article 4C)* Zoning Ordinance text amendments. The motion passed unanimously following discussion. A detailed review of the request is available in the attached Planning Commission minutes and PowerPoint slides. Following please find some general information.

The City of Wyoming has three PUD districts allowed per the Zoning Code. Each district was adopted to serve a specific and unique development (e.g. Metro Health PUD and Bayberry PUD). While this approach has historically worked for Wyoming, as the city continues to grow and experience more infill development, a General PUD provides for an innovative tool to help staff and developers adapt to the complexities of re-development. The flexibility provided in the ordinance for smaller PUDs, is critical as Wyoming trends towards greater infill developments. Staff is proposing a new General PUD district that is not specific to any particular site but instead can be applied to qualifying sites.

The proposed text amendment is attached.

Respectfully submitted,



Nicole Hofert, City Planner  
Department of Community Services

Cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services



CITY COUNCIL

Sheldon DeKryger

Dan Burrill

Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**

**PUD-4 General Planned District**

**Sec. 90-416C Purpose**

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the city relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Wyoming Master Plan, Planned Unit Development (PUD) may be permitted as a zoning district to achieve one or more of the following purposes:

- (A) provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the city, in general;
- (B) accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this ordinance;
- (C) achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities;
- (D) provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city;
- (E) preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
- (F) encourage the utilization of open space and development of recreational amenities generally located within walking distance of all living units;
- (G) encourage the use of lands in ways which are most in accord with their character and adaptability;
- (H) encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features; and
- (I) offer a unique attribute of development not achievable under conventional zoning requirements.

**Sec. 90-417C Qualifying Conditions**

- (A) Location. PUD's may be located in any part of the city, subject to meeting all other applicable requirements.
- (B) PUD Purpose. The applicant shall demonstrate that the PUD will achieve three (3) or more of the purposes listed in Section 90-416C.
- (C) Size. The PUD shall comprise an area of at least three (3) acres; provided, a smaller area may be allowed when it is demonstrated to the Planning Commission that the proposed project will satisfy all other qualifying conditions of this section and the acquisition of additional contiguous land is not reasonably possible.
- (D) Residential Density. Proposed density shall conform to the requirements of Table 90-420C(2).
- (E) Housing Variety. A residential PUD shall contain a variety of housing types and/or lot sizes and/or contribute to housing needs identified in current housing needs assessments to provide for varying lifestyles, diversity, and affordability.
- (F) Utilities. The PUD shall be served by public water and sanitary sewer facilities.
- (G) Ownership and Control. The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review • Site Plans • Special Land Uses • Condominiums • PUDs	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4C – PUD-4 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

property. A PUD applicant shall submit written documentation that the owners of all property included within the PUD have consented to the PUD application. Where property is jointly owned, the consent must be from all owners. Written documentation must include the signatures of all individuals with an ownership interest and the signature of an officer, member, general partner or other individual authorized to sign on behalf of any entity with an ownership interest. Consent may be demonstrated by signatures on the PUD application or may be in the form of a letter or other signed written documentation consenting to the application or authorizing the applicant to file it.

- (H) Recognizable Public Benefit. The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:
- (1) Preservation of significant natural features that would not be preserved under a conventional development,
  - (2) A complementary mix of land uses or housing types within the PUD,
  - (3) Preservation of common open space beyond the minimum required,
  - (4) Connectivity of preserved open space with adjacent open space, greenways or public trails,
  - (5) Connectivity of residential uses with adjacent dedicated public transit options,
  - (6) Coordinated redevelopment of multiple lots or parcels, and/or
  - (7) Removal or renovation of deteriorating and/or obsolete buildings, sites or contamination clean-up.

**Sec. 90-418C Permitted Uses**

Any land use, except as noted in this section, or combination of land uses may be considered for inclusion within a PUD; provided, the development standards of Section 90-419C are met. Public/quasi-public uses such as, but not limited to, churches, schools, colleges and universities, municipal buildings, and parks shall only be permitted within a PUD under the following conditions:

- (1) when developed as the principal use with other related and/or accessory uses within a contiguous, integrated, and walkable campus setting or
- (2) when included as an amenity or supplementary service to a residential or mixed-use PUD.

**Sec. 90-419C Development Standards**

- (A) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a PUD, unless modified in accordance with the provisions of Section 90-419C(C). Within a PUD, minimum buffer requirements between uses otherwise specified in this ordinance shall not apply; provided, the Planning Commission or City Council may require separation or buffering of uses as a condition of concept plan approval.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>		
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code	
Use Table	Zoning Map					

**Article 4C – PUD-4 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

<b>Land Use Type</b>	<b>Applicable Development Standards</b>
Detached single family residential	R-2
Two family residential	R-3
Attached single family residential	R-4
Multiple family	
Commercial	B-2
Industry	I-1
Public/Quasi-public	ER

(B) Project Scale. Based on the total area of the PUD site, the following shall be permitted:

PUD Size	Permitted Density	
	Maximum Density	Maximum w/ Density Bonus
< 5 Acres	20 du/ac*	30 du/ac^
5.1 – 35 Acres	18 du/ac*	25 du/ac^
35.1 – 100 Acres	15 du/ac*	20 du/ac^

\*Max density permitted within that portion of the PUD to be occupied by residential uses, including streets, parking, and required yards; provided, a traffic study demonstrates that the adjacent City street network will continue to function at an acceptable level of service and a sewer study demonstrates the ability of city sewer and water systems to accommodate proposed density

^ Max density permitted within that portion of the PUD to be occupied by residential uses, including streets, parking, and required yards; provided, a traffic study demonstrates that the adjacent City street network will continue to function at an acceptable level of service and a sewer study demonstrates the ability of city sewer and water systems to accommodate proposed density and developer receives a density bonus from Planning Commission and City Council

(C) Modification of Minimum Requirements. Regulations applicable to a land use in the PUD District may be altered from the requirements specified in Table 90-420C(1), including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, for any residential use, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district, unless the PUD is under the maximum permitted density outlined in Table 90-420C(2) or a density bonus is also granted in accordance with Subsection D below. In the absence of a density bonus, land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a PUD shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary development plan review stage, after Planning Commission recommendation. Adjustments to the minimum

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**Article 4C – PUD-4 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the PUD District, as expressed in Section 90-416C.

(D) Density Bonus. In addition to the modification of minimum requirements permitted in Section 90-419C (C), the City Council, after Planning Commission recommendation, may permit an increase in the total number of residential units otherwise allowed within a PUD, according to the requirements in Table 90-420C(2), where it is demonstrated that:

- (1) The appearance and construction will result in a development of high quality, as evidenced by:
  - (a) varied roof and wall lines, unique architectural features, innovative transportation amenities, extraordinary energy efficiency, etc.;
  - (b) use of more durable and aesthetically pleasing building materials and finishes (e.g., stone, masonry, wood, hardi-plank, and glass rather than vinyl or aluminum siding on exterior walls; slate, copper, steel, tile or other higher grade roofing materials rather than standard asphalt, vinyl or membranes; and using composite, concrete and steel decking materials rather than treated wood); and/or
  - (c) unique transportation-related improvements (e.g., artful bicycle and other 2-wheeled transportation racks, bicycle maintenance or storage facilities; parking areas that are integrated into a pathway system and landscaping).
- (2) The PUD site is within one-quarter mile of a dedicated transit route and includes a fixed transit shelter.
- (3) Amenities, beyond the minimum required open space, will be provided to create a more desirable and enjoyable living environment (e.g., universally accessible playground structures, made of the durable, high quality materials that offer unique play experiences); and
- (4) At least three (3) of the following will be included within the development:
  - (a) Dedicated common open space is provided in excess of the minimum required, per Section 90-419C (E)(1).
  - (b) The PUD site is within one-quarter mile of a full-line grocery store and is accessible via sidewalks.
  - (c) One (1) or more parking structures are proposed within a mixed-use or nonresidential PUD to meet the minimum parking requirements of this ordinance.
  - (d) One (1) or more LEED-certified buildings will be constructed.
  - (e) Significant natural features will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
  - (f) Decorative pavers, public plazas, fountains, or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
  - (g) Sustainability enhancements such as rain gardens, electric vehicle charging stations, wind energy systems, or green infrastructure are incorporated into the PUD.
  - (h) A commercial and/or office component is proposed within the PUD.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>		
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- (i) Affordable or missing middle housing<sup>1</sup> will be incorporated into the residential design.
  - (j) Three (3) or more public benefits, as identified in Section 90-417C(H), will be achieved.
- (E) Common Open Space. For purposes of the PUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for noncommercial educational, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a PUD:
- (1) The area of common open space shall not be less than 20 percent of the total land area of a PUD containing any residential units and not less than 10 percent of the total land area in non-residential developments. Land dedicated for recreation, in accordance with Section 90-419C(E)(3), shall count toward the common open space requirement.
  - (2) The Planning Commission may reduce or waive open space requirements for PUD's on sites less than 5 acres in size upon an agreement with the City to provide funding for improving or sustaining public park amenities located within one-quarter mile of the development site. Such fees paid in lieu of land dedication shall satisfy the open space requirement.
  - (3) All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
  - (4) The open space shall meet the following minimum dimensions, contiguity and connectivity requirements:
    - (a) The required open space shall be centrally located: along the street frontage of the PUD to protect or enhance views; located to preserve significant natural features; adjacent to dwellings; and/or located to interconnect other open spaces throughout the development or on contiguous properties.
    - (b) Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these

<sup>1</sup> Missing Middle is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living. These types provide diverse housing options along a spectrum of affordability, including duplexes, fourplexes, and bungalow courts, to support walkable communities, locally-serving retail, and public transportation options. Missing Middle Housing provides a solution to the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

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regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the adjacent yard of those lots abutting it.

- (c) If the site contains a lake, stream or other body of water, the city may require that a portion of the required open space abuts the body of water.
- (d) All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors, and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the City Council, upon recommendation of the Planning Commission, may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors, and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.
- (e) Open space areas shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- (f) Grading in the open space shall be minimal, with the intent to preserve existing topography, trees and other natural features, where practical.
- (g) A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s), shall not exceed, in the aggregate, one (1) percent of the open space area. Accessory structures or uses shall not be located near the boundary of the development if they are determined by the Planning Commission to be inconsistent with the use, scale, or character of adjacent residential development. Pathways or sidewalks shall be exempt from this limitation.
- (h) The following areas shall not qualify as required common open space for the purposes of this section.
  - (i). The area within any public street right-of-way.
  - (ii). The area within private road easements.
  - (iii). The area within a subdivision lot.
  - (iv). Land within any required yard or setback area.
  - (v). Parking and loading areas.
  - (vi). Fifty percent of any easement for overhead utility lines.
  - (vii). Fifty percent of any steep slopes (12 percent or over).
  - (viii). Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.

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(ix). Seventy percent of the area of any golf course<sup>2</sup>.

- (F) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the PUD and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the city design standards.
- (G) Parking. Minimum required parking ratio per residential unit is 1.3 spaces. This ratio may be decreased if the PUD has a dedicated transit line within one-quarter mile of the site and the developer provides transit supportive facilities e.g. bicycle facilities or covered bus stop. The maximum parking ratio per residential unit allowed in a PUD is 1.5 spaces. Requirements for minimum number of spaces for all non-residential uses shall be in accordance with Section 90-600(7). Modifications to the required parking minimums and maximums may be granted by Planning Commission with sufficient justification provided to support any amendments.

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<sup>2</sup> Any future development of the golf course will be limited to the area not included in the required common open space.

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**Sec. 90-510 PROCEDURES FOR PLANNED UNIT DEVELOPMENTS (PUD-1, PUD-2, PUD-3)**

The city has established provisions for creating planned unit developments (PUD's) in order to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city.

- (1) Objectives. The objectives of PUD's are to:
  - (a) Provide opportunities for development where potential land use conflicts make traditional zoning techniques inadequate for protection from adverse impacts;
  - (b) Preserve existing on-site natural features while allowing development at the maximum permissible density;
  - (c) Encourage the use of creative, imaginative and innovative approaches to land development; and
  - (d) Require the developer to utilize architectural standards, quality building materials and site amenities when deemed appropriate.
  
- (2) Administration. Administrative procedures are as follows:
  - (a) Preapplication consultation. Communication between the developer and city staff prior to PUD application is encouraged. The meeting is intended to ensure that the developer is aware of the community's standards and posture on PUD's. Such consultation should occur prior to any extensive outlay of funds on the part of the developer, since the meeting is intended to encourage cooperation and mutual understanding between the applicant and the city. The developer should submit a preliminary sketch plan outlining general existing site characteristics, external and proposed internal land uses, and special relationships between plan features. To obtain information, the developer shall confer with planning department staff and other appropriate department heads in connection with the application for the PUD. The planning staff will offer advice to the applicant regarding his proposal and aid in his understanding of these requirements.
  - (b) Application for PUD zoning. Following a preliminary consultation, the developer may apply for PUD rezoning. Such application must be made at least 30 days before the planning commission meeting, to allow for sufficient review and notice of affected

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property owners. As part of the rezoning request, the applicant shall submit 16 copies of the following:

1. A drawing at a scale of at least one inch equals 100 feet, including the following:
  - a. A recent map of the site, reflecting area size and boundary line dimensions.
  - b. Existing and proposed topography of the site.
  - c. Existing floodplains, bodies of water and other unbuildable areas.
  - d. Existing and proposed land uses and their approximate locations (general physical design plan).
  - e. Any proposed public use areas, including schools, parks, recreational facilities, etc.
  - f. Calculations showing the net residential density, area distribution of land uses and expected final population of the proposed PUD.
  
2. A written narrative containing the following:
  - a. An explanation of the general character of the proposed PUD and how it relates to general requirements of this article.
  - b. A statement indicating the need of the proposed project, along with a general schedule of development and marketing strategy, including size of housing units, estimated selling prices and rents.
  - c. An outline stating the form of ownership of designated open spaces, establishment and role of a homeowners association, and any proposed restrictive covenants, including architectural controls, if any.
  
3. Photographs, architectural renderings or elevations of all proposed buildings other than single-family or two-family dwellings showing the general character of such development.

(c) Approval procedure. The approval procedure is as follows:

1. The planning commission shall conduct a public hearing prior to consideration for rezoning to PUD. It shall consider all aspects of the proposed development as required with the PUD application. It may approve, approve with modifications, deny or defer for additional information the PUD application. Each subdivision

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or development in the PUD area must receive separate planning commission approval as per the applicable city site plan approval and subdivision control requirements.

2. The city council shall act upon the PUD rezoning request in the same manner as a conventional rezoning.
  3. The planning commission-approved general physical design plan, written narrative and illustrations required by subsection (2)b of this section shall be filed in the planning and inspections departments to ensure that the requirements prescribed by approval of the PUD request are fulfilled.
- (d) Changes or amendments. Minor changes or amendments to a particular PUD may be acted upon by the director of planning/community development. Changes deemed major by the director shall be referred to the planning commission.

**Sec. 90-511 Application Procedures for PUD-4**

- (A) Pre-Application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the city planner to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The city planner shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.
- (B) Preliminary PUD Review and Rezoning. The following procedures shall be followed for the consideration of any PUD request.
- (1) Application. An application for rezoning to the PUD District shall be submitted to the city planner by the owner, owner’s authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission. The applicant may, at his/her sole discretion, submit a final development plan, as specified in Section 90-511(C)(3), in lieu of the concept plan; provided, all other review procedures of Section 90-511(B) shall be applicable.
    - (a) Concept Plan. A preliminary concept plan shall be submitted and include the following:
      - (i) Name, address, phone number and email address of the applicant
      - (ii) Name, address, phone number and email address of the professional or firm that prepared the plan
      - (iii) Legal description of the property
      - (iv) North arrow, scale and title block
      - (v) General location map

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- (vi) Existing zoning on the subject property and all abutting properties
  - (vii) Property boundary survey
  - (viii) Adjacent buildings and structures within 100 feet of the property boundaries
  - (ix) All perimeter streets abutting the property, including right-of-way width
  - (x) Existing topographic conditions (two (2) foot intervals)
  - (xi) Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
  - (xii) Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan
  - (xiii) Proposed uses within the PUD
  - (xiv) Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
  - (xv) Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
- (b) Project Narrative. A written statement shall also be submitted with the application, providing the following information:
- (i) Statement of how the PUD meets each of the Qualifying Conditions specified in Section 90-417C.
  - (ii) Identification of the present owners of all land within the proposed project.
  - (iii) Explanation of the proposed character of the PUD, including a summary of acreage by use, number and type of dwelling units, gross residential density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
  - (iv) A complete description of any requested deviations from the minimum spatial or other requirements applying to the property, in accordance with Section 90-419C(C).
  - (v) An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 90-419C(D).
  - (vi) A general description of the proposed development schedule and anticipated phases.
  - (vii) Intended agreements, provisions and covenants to govern the use of the development, approval of building materials/architectural styles, and open space areas to be preserved.
  - (viii) A traffic impact analysis, per Section 90-504 (3), may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal. Otherwise, it shall be required as part of the final site plan application.
  - (ix) A sewer impact study may be required, at the sole discretion of the review authority, as part of the conceptual plan submittal.

(2) Planning Commission Review. Following receipt of a complete application package, the city planner will cause the application materials to be forwarded to the Planning Commission for review. After submission of a complete application and all required plans and information, the Planning Commission shall schedule and conduct a public hearing and make a

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recommendation to the City Council regarding the rezoning to PUD and the concept plan, as follows:

- (a) Notice of hearing. Public notice of the time, date, location and purpose of the hearing shall be provided, in accordance with the requirements of the Michigan Zoning Enabling Act.
  - (b) Public hearing. The Planning Commission shall conduct a public hearing in accordance with its rules of procedure.
  - (c) Recommendation. Following the public hearing, the commission shall recommend to council that the preliminary concept plan and PUD zoning be approved as presented, approved with supplementary conditions, or denied. The recommendation shall be based on the standards of Section 90-512.
  - (d) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (3) City Council Action. Upon receiving the recommendation from the Planning Commission, council shall take final action on the request in accordance with the following:
- (a) Public hearing. Council shall conduct a public hearing, notice of which shall be provided in accordance with the requirements of the Michigan Zoning Enabling Act.
  - (b) Action. Following the public hearing, review of the PUD application and concept plan, and consideration of the Planning Commission recommendation, Council shall approve, approve with supplementary conditions, or deny the preliminary concept plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of Section 90-512. In any case, council may table the matter at its discretion for further study.
  - (c) Conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this ordinance.
  - (d) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (C) Final PUD Review. The following procedures shall be followed for the review of the final development plan.
- (1) Timing. An application for final development plan approval shall be filed not later than 24 months after the date of approval of the concept plan and zoning change, otherwise the concept plan approval shall be considered expired. One (1) extension of up to twelve (12) months may be authorized by the city planner for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the city planner who shall make a written determination regarding the decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
  - (2) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the city planner to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the concept plan approval, review procedures, and conformance of the final development plan with the approved concept

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plan. The city planner shall notify other staff, as applicable. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the city.

- (3) Application. An application for approval of the final development plan shall be submitted to the city planner by the property owner or owner’s authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission.
  - (a) Final Plan. A final development plan, substantially consistent with the approved preliminary concept plan and containing all information required in Section 90-504 (site plan), shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.
  - (b) Project Narrative. A project narrative shall also accompany the application and final development plan and provide the following:
    - (i). Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership, and control of development and common areas;
    - (ii). Identification of the entity responsible for maintenance of common areas;
    - (iii). Description of all deviations from the otherwise applicable zoning requirements;
    - (iv). Net and gross density of any residential component of the project;
    - (v). Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
    - (vi). Restrictions or requirements regarding architectural style and/or building materials;
    - (vii). Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
    - (viii). An anticipated development schedule by phase, if applicable.
- (4) Private Covenants and Restrictions.
  - (a) Covenants and restrictions for the property within any PUD district are required and must be recorded with the Kent County Register of Deeds prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
  - (b) Covenants and restrictions shall:
    - (i). Be based on the conditions attached to the approved PUD application;
    - (ii). Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;

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- (iii). Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 90-419C(E); and
  - (iv). Establish a condominium association, homeowner’s association, or other entity that can ensure sufficient funding is provided by owners or occupants of the property in the PUD to maintain all private roads and other private infrastructure, signage, sidewalks, pathways, parking areas, green spaces, recreational facilities, community buildings, pools and other amenities within the development. The documentation shall be in a form acceptable to the City Planner, City Manager and City Attorney.
- (5) Phased Projects. If a proposed PUD is to be constructed in two (2) or more phases, final site plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given concept plan approval and that each subsequent phase shall be submitted for final site plan approval and is consistent with the approved concept plan. The Planning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
- (6) Planning Commission Action. Following receipt of a complete application package, the city planner shall cause the application materials to be forwarded to the Planning Commission for review. Following submission of a complete application and all required plans and information, the Planning Commission shall consider the application and take action to approve, approve with conditions, disapprove or table the final site plan, based on the review standards of Section 90-512 and the site plan standards of Section 90-505. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (7) Performance Guarantee. In conjunction with the approval of a final development plan, the petitioner may be required to provide a performance guarantee for all public and common improvements, in accordance with Section 90-504(2). The City Council may require such financial assurance or the requirement to provide such financial assurance as a condition of approval of the rezoning or overall development plan for the subject site.
- (a) The performance guarantee shall address (i) the time(s) for starting and completing the construction and installation of public and common improvements, especially in relationship to issuance of construction and occupancy permits for dwelling, commercial and other units within the PUD; (ii) provide one or more assurances for funding the costs of constructing and installing those public and common improvements; and (iii) provide funding for the costs of operating, maintaining, repairing, and, as may be needed to comply with applicable legal requirements, replacing or improving those public and common improvements.
  - (b) The performance guarantee may include one or more of a variety of instruments, documents and methods which shall be in a form and substance acceptable to the

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City Engineer, City Planner, City Attorney and City Manager. The performance guarantee may include one or a combination of such approaches as, for example and not for limitation, the following, provided that together result in meeting the requirements in subsection A.

- (i). An enforceable agreement or enforceable covenants and restrictions recorded with the Kent County Register of Deeds, that no construction or occupancy permit(s) will be issued for certain components of the development until certain public or common improvements are completed.
  - (ii). Performance or surety bonds, payment bonds, letters of credit, escrowed funds, or other financial assurances that the City or PUD residents or property owners can access to ensure completion of the public or common improvements.
  - (iii). Provisions for condominium, homeowners', unit owners' or other association with the ability to levy and collect dues, assessments or other fees sufficient to fund the costs of operating, maintaining, repairing, and, as may be needed to comply with applicable legal requirements, replacing or improving those public and common improvements.
- (c) It is the intent of this requirement to ensure the public and common area improvements are (i) properly constructed and installed, and (ii) properly operated, maintained, repaired, and, as may be needed to comply with applicable legal requirements, replaced or improved without costs to the City or other governmental entities and without inappropriate or unfairly apportioned costs among the owners and occupants of property within the PUD.
- (d) Whether or not the performance guarantee proposed by the PUD applicant (a) meets the requirements of this section and (b) results in the appropriate and fair apportioning of costs will be determined by City Council based on the recommendation of the Planning Commission, City Engineer, City Planner, City Attorney and City Manager.
- (8) Expiration. Approval of the final site plan by the Planning Commission shall expire 12 months after the date of that approval, unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted, in accordance with the requirements of Section 90-503 (7).

**Sec. 90-512 Review Standards**

In considering a PUD request, the Planning Commission and/or City Council, as applicable, shall find that the proposed development meets all applicable requirements, as well as the following general standards:

- (A). PUD Purpose. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 90-416C.
- (B). Qualifying Conditions. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 90-417C.
- (C). Master Plan. The PUD shall be consistent with the recommended future land use patterns, goals, and relevant recommendations contained in the City of Wyoming Master Plan.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 5 – DEVELOPMENT REVIEW  
CITY OF WYOMING ZONING ORDINANCE**

- (D). Surrounding Uses. The development shall be compatible with the existing and intended uses surrounding the subject property.
- (E). Natural Environment. The design and layout of the PUD shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- (F). Public Facilities and Services. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- (G). Health, Safety, and Welfare. The PUD shall not contain uses or conditions of use that may be unduly injurious to the public health, safety or welfare.
- (H). Consistent with All Standards and Requirements. The proposed development shall conform to all applicable requirements of this ordinance, unless specifically modified and approved, as authorized by Section 90-419C(C).
- (I). Final Site Plan. The final site plan is substantially consistent with the representations made and plans shown during the prior preliminary concept plan stage of approval.
- (J). Recognizable and Substantial Benefits. Approval of the PUD will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two (2) or more of the benefits specified in Section 90-417C(H).

**Sec. 90-513 Changes to an Approved PUD**

Changes to an approved final development plan shall be permitted only under the following circumstances:

- (A). The holder of an approved final development plan shall notify the city planner of any proposed change to the approved plan.
- (B). Minor changes may be approved by the city planner upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
  - (1) Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
  - (2) Movement of a building or other structure by no more than 10 feet;
  - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
  - (4) Changes in building materials to a comparable or higher quality;
  - (5) Internal changes in floor plans which do not alter the character or intensity of the use;
  - (6) Changes in parking layout that do not alter the number of spaces by more than five (5) percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area; and
  - (7) Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- (C). A proposed change to an approved final development plan that is determined by the city planner to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 5 – DEVELOPMENT REVIEW  
CITY OF WYOMING ZONING ORDINANCE**

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established for the final development plan. When, in the judgment of the City Planner, City Engineer, and the City Attorney, the proposed change is a substantial deviation from the approved preliminary concept plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 90-511(B) and 90-511(C); provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or the City Council.

**Sec. 90-514 Existing PUDs**

Within the city, there are existing PUD’s identified on the zoning map as “PUD-1, -2, and -3”. These developments shall be exempt from the requirements of this article to the extent that they conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in Section 90-513, shall be subject to the procedural requirements of Section 90-513(C).

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"><li>• Site Plans</li><li>• Special Land Uses</li><li>• Condominiums</li><li>• PUDs</li></ul>	
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Use Table	Zoning Map				



# Planning Commission

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February 19, 2019



# Public Hearing #1

Requested By: Staff

**Item:** Text Amendment to amend Procedures for Planned Unit Developments and create a new general PUD District (Section 90-510 and Article 4C)

**Action Requested:** Approval of proposed Zoning Ordinance Text Amendment




# Why amend and create a new PUD?

- Historical perspective
    - Metro Health Village
    - Granger PUD
  - Provide a new tool that adapts to Wyoming's new growth trends (i.e. infill developments)
  - Provide better developments that enhance Wyoming and benefit residents
- 

# Where is it envisioned this district may be applied?

- Qualified Sites
  - Greenfield and infill sites across the city
- Transition site between FBC districts and traditionally zoned districts


# PUD Highlights

- Provides for flexibility of smaller PUDs than historically permitted
    - Important as Wyoming trends to more infill development
  - Density Bonuses
    - 5 to 10 du/acre bonus possible if conditions are met
  - Common Open Space requirements
- 

# Application Procedures

- Pre-Consultation Meetings
  - Planning Commission Approval
    - Conceptual Plan
    - Final Plan
  - City Council Approval
    - Conceptual Plan
- 

# Review Standards

- PUD Purpose
  - Qualifying Conditions
  - Master Plan
  - Surrounding Uses
  - Natural Environment
  - Public Facilities and Services
  - Health, Safety, and Welfare
  - Consistent with All Standards and Requirements
  - Final Site Plan
  - Recognizable and Substantial Benefits
- 

# Community Impacts

- Activates economic development
  - Makes available a tool being utilized successfully in other cities nationally
  - Allows for innovative and competitive advantage
  - Preserves existing green spaces and creates new green spaces
- 

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING PLANNING COMMISSION AT ITS REGULAR MEETING OF MARCH 19, 2019

PLANNING COMMISSION  
MEETING MINUTES OF FEBRUARY 19, 2019  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, DeLange, Goodheart, Hegyi, Micele, Smart, Spencer

MEMBERS ABSENT: Bueche, Weller

STAFF PRESENT: Rynbrandt, Director of Community Services  
Hofert, City Planner  
Lucar, Planning & Development Dept.  
Singleton, Planning & Development Dept.

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

Motion by Hegyi and supported by Goodheart, to excuse Bueche and Weller. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of January 15, 2019 were approved as written.

APPROVAL OF AGENDA

Motion by Hegyi and supported by Smart to approve the agenda as revised, removing Agenda Item No. 4, which was withdrawn by the petitioner. Motion carried unanimously.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to approve proposed Zoning Ordinance Text Amendments to revise Procedures for Planned Unit Developments and create a new general PUD District (Section 90-510 and Article 4C).

Hofert explained the proposed ordinance text amendments. The City of Wyoming has three PUD districts allowed per the Zoning Code. Each district was adopted to serve a specific and unique development (e.g. Metro Health PUD and Bayberry PUD). While this approach has historically

worked for Wyoming, as the city continues to grow and experience more infill development, a General PUD provides for an innovative tool to help staff and developers adapt to the complexities of re-development. Staff is proposing a new General PUD district that is not specific to any particular site but instead can be applied to qualifying sites.

Purpose for Zoning Ordinance Amendment:

Benefits of a PUD include more efficient site design, preservation of amenities such as open space, lower costs for street construction and lower costs for street and utility construction for the developer and reduced maintenance costs for the City. PUD's encourage innovative and thought out developments that help to create well connected places that are compatible with adjacent uses. These developments create a unique sense of place for residents and offer opportunities not available to traditional development.

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements are not suitable in all situations to best achieve the objectives of the city relative to desired land use and preservation of its resources and character. Therefore, staff presents this new PUD ordinance to help achieve the following purposes:

- A. provide for flexibility in development that will result in a better project for the developer, residents, users, and the city;
- B. accomplish a more desirable and sustainable residential environment;
- C. achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities;
- D. provide better housing, employment and shopping opportunities;
- E. preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
- F. encourage the utilization of open space and development of recreational amenities within walking distance of all living units;
- G. encourage the use of lands in ways which are most in accord with their character and adaptability;
- H. encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features; and
- I. offer a unique attribute of development not achievable under conventional zoning requirements.

Proposed Ordinance Amendment:

Staff recommended the proposed ordinance.

Planning Commission Action:

The Development Review Team recommended that Planning Commission adopt the recommended *Section 90-510 and Article 4C* text amendments and recommend the same to Council.

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

Motion by Hegyi, supported by Arnoys, to recommend adoption of Section 90-510 and Article 4C text amendments to the City Council. Discussion followed.

Goodheart inquired if the PUD ordinance allowed for clustering to help meet open space requirements. Staff confirmed that clustering, as well as other strategies that encourage concentrated development to preserve open space or protect environmentally sensitive areas, is allowed for and encouraged as part of the proposed PUD.

A vote on the motion carried unanimously.

## AGENDA ITEM NO. 2

Request for Site Plan Approval for a Memory Care Facility. This property is located at 5281 Wilson Avenue SW (Section 31) (Ellipsis Partners)

Hofert described the location, existing land use and current zoning around the area. In October 2018, the developer applied for and later received a conditional rezoning of this site from RO-1 to R-4. As part of the conditions, the developer voluntarily offered to restrict the use of this property to anything other than for a memory care or assisted living development consistent with the conceptual plan dated September 12, 2018. In addition to restricting the use of the site, the applicant proposed to place a time limit on acquiring the title to the property and procuring a building permit and that failure to comply with any of the conditions of the voluntary offer would cause the property to revert to its current zoning designation of RO-1. Hofert explained that the site plan presented achieves the conditions of the conditional rezoning.

### Landscaping:

There are no evergreen trees incorporated into the streetscape landscaping. During winter and fall months, the streetscape will be barren. Consideration should be given to incorporating more variety and introducing some evergreens into the streetscape design. Staff recommends the developer include evergreens in the revised Landscape Plan (see condition #13).

### Conformance with Ordinance Standards and Findings of Fact:

Section 90-505 specifies the standards to apply to site plan review:

- (1) *Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).*

The site plan contains an appropriate amount of detail to sufficiently understand the proposed use and structures.

February 26, 2019

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Planning Commission 2018 Annual Report

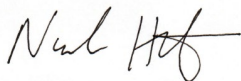
Dear Ms. VandenBerg,

The above referenced report was reviewed by the Wyoming Planning Commission at its regular meeting on February 19, 2019. The report was provided in compliance with the Michigan Planning and Enabling Act (Act 33 of 2008), which stipulates that:

“The Planning Commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related planning and development.”

A motion was made by Micele, supported by Arnoys, to accept the Planning Commission 2018 Annual Report as presented and forward it to City Council. The motion passed unanimously following discussion. A detailed review of the request is available in the attached Planning Commission minutes. The report is attached.

Respectfully submitted,



Nicole Hofert, City Planner  
Department of Community Services

Cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services



CITY COUNCIL

Sheldon DeKryger

Dan Burrill

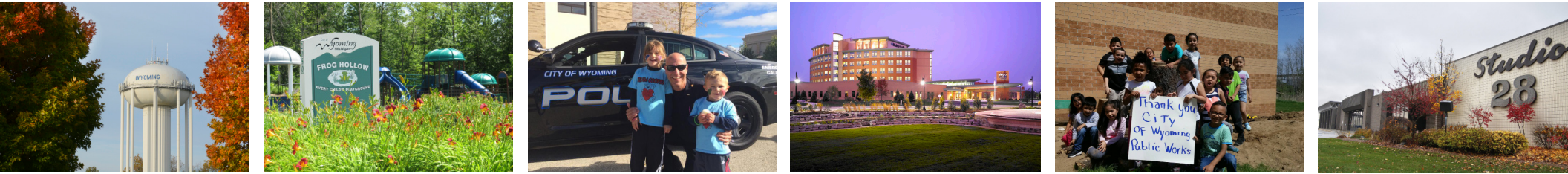
Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**



# City of Wyoming Planning Commission Annual Report

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FY 2018





## 2018 Planning Commission

Sherrie Spencer, *Chairperson*

James DeLange, *Vice Chairperson*

William Hegyi, *Secretary*

Robert Arnoys

John Bueche

Robert Goodheart

David Micele

Alex Smart

Chris Weller

A handwritten signature in black ink, appearing to be 'W. Hegyi', written over a horizontal line.

William Hegyi, *Secretary*  
*Wyoming Planning Commission*

## 2018 Annual Report

This report is a summary of City of Wyoming Planning Commission actions taken during 2018, as a requirement of the Michigan Zoning Enabling Act of 2008.

The Planning Commission held 14 meetings in 2018, including 25 public hearings, a joint Parks and Recreation Commission/Planning Commission Meeting on February 21, 2018 and a special session on August 30, 2018.

For additional information, please contact the City Planner at 616-530-3170.

Following is a summary of actions taken by Planning Commission in 2018.

### Site Plan Reviews

#### 3/20/2018

*Approved Site Plan for Metro Health Village Unit 4. The property is located at 2380 Health Drive, SW. (Section 34) (Ryan Granger)*

*Approved Site Plan for HME Parts Building. The property is located at 1905 Chicago Drive, SW. (Section 3) (JAG Development, Inc.)*

*Approved Site Plan for Parcel E – West M-6 Industrial Park. The property is located at 1398 – 60th Street, SW. (Section 2) (Pathfinder Engineering)*

#### 4/17/2018

*Deferred for one month request for Site Plan Approval for The Woods of Albright Phase 2. The property is located at the northwest corner of 56th Street and Canal Avenue, SW. (Section 31) (Albright Estates, LLC)*

#### 5/15/2018

*Approved Site Plan for New Horizons Townhouses. The property is located at the northeast corner of 36th Street and Burlingame Avenue, SW. (Section 14) (Grandview Ventures)*

*Deferred for one month request for Site Plan Approval for The Woods of Albright Phase 2. The property is located at the northwest corner of 56th Street and Canal Avenue, SW. (Section 31) (Albright Estates, LLC)*

#### 6/19/2018

*Approved Site Plan for HME Parts Building. The properties are located at 1905 & 1923 Chicago Drive, SW. (Section 3) (Nederveld, Inc.)*

*Approved Site Plan Approval for The Woods of Albright Phase 2. The property is located at the northwest corner of 56th Street and Canal Avenue, SW. (Section 31) (Albright Estates, LLC)*

#### 8/21/2018

*Approved Site Plan for Kellogg Community Credit Union. The property is located at 2270 Gezon Parkway SW. (Section 34) (Kellogg Community Credit Union)*

#### 9/18/2018

*Deferred for one month Site Plan Approval for Planet Rock. The property is located at 3175 Union Avenue SE. (Section 18) (Planet Rock)*

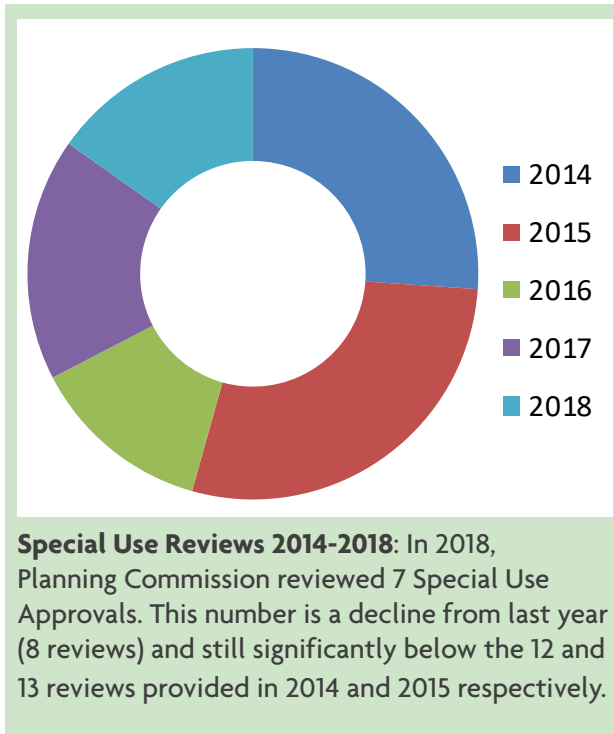
#### 10/16/2018

*Approved Site Plan for Planet Rock. The property is located at 3175 Union Avenue SE. (Section 18) (Planet Rock)*

*Approved Site Plan for North Ramblewood Retail Center. The property is located at 2757 – 44th Street SW. (Section 21) (CWD)*

#### 11/20/2018

*Approved Site Plan for Abundant Life Church. This property is located at 4041 Byron Center Ave. (Section 21) (Abundant Life)*



## Special Use Reviews

### 1/16/2018

Denied Special Use Approval for an office to apartments conversion at 4383 Clyde Park Avenue, SW. (Section 23) (Omega Architects) (Includes Site Plan Approval)

### 2/20/2018

Approved Special Use Approval for Empowered Athletics Gymnastics. The property is located at 3470 Roger B. Chaffee Boulevard, SE. (Section 18) (Joseph Swinehart) (Includes Site Plan Approval)

### 6/19/2018

Approved for Special Use Approval for Cross Point Baptist Church. The property is located at 2290 -28th Street, SW. (Section 15) (Cross Point Baptist Church) (Includes Site Plan Approval)

### 7/17/2018

Approved Special Use Approval for Courtesy Chrysler Jeep Dodge car lot expansion. The property is located at 460 – 28th Street, SE. (Section 18) (Courtesy Chrysler Jeep Dodge) (Includes Site Plan Approval)

### 9/18/2018

Approved Special Use Approval for Planet Rock. The property is located at 3175 Union Avenue SE. (Section 18) (Planet Rock)

### 10/16/2018

Approved Special Use Approval for Family Fare drive through. The property is located at 2900 Burlingame Avenue. (Includes Site Plan Approval) (Section 14) (SpartanNash)

### 11/20/2018

Approved Special Use Approval for 28 West Pad Site drive through. The property is located at 1216 28th Street. (To also include Site Plan Approval) (Section 14) (Wyoming Mall, LLC)

## Plat Approvals

### 3/20/2018

Recommended to City Council approval of the request for Preliminary Plat – Tentative Approval for Buck Creek Hill. The property is located at 5361 Burlingame Avenue, SW. (Section 34) (EL2 Development, LLC)

### 5/15/2018

Recommended to City Council approval of the request for Preliminary Plat – Tentative Approval for Chapel Estates. The property is located at 1585 – 36th Street, SW. (Section 14) (Grandview Ventures). Included variance from the Subdivision Regulations contained in Chapter 74 for a reduced lot depth of 116.5 feet for Lot 1.

### 8/21/2018

Deferred until special meeting on August 30, 2018, the request for Preliminary Plat – Tentative Approval for The Reserve Phase 1 – 6.

### 8/30/2018

Recommended to City Council approval of the request for Preliminary Plat – Tentative Approval for the Rivertown Valley Plat (aka, The Reserves at Rivertown) Phases 1-6. The properties are generally located at the southeast corner of Wilson Avenue and 56th Street. (Section 32) (The Granger Group)

**10/16/2018**

Recommended to City Council approval of the request for Preliminary Plat – Final Approval for Buck Creek Hill. The property is located at 5361 Burlingame Avenue SW. (Section 34) (EL2 Development, LLC). Included a variance from the Subdivision Regulations contained in Chapter 74 for a reduced corner lot depth of 3 feet for Lot 1 and 5 feet for Lot 24.

**11/20/2018**

Recommended to City Council approval of the request for Preliminary Plat – Final Approval for The Reserve Phase 4. This property is located at Wilson Avenue and 56th Street. (Section 32) (The Granger Group)

Recommended to City Council approval of the request for Final Plat Approval for Reservoir Ridge. This property is located at 3723 56th Street SW. (Section 32) (DPW, LLC)

**The Planning Commission reviewed 7 plat requests in 2018. That is up from four reviews in 2017; one review in 2016; zero reviews in 2015; and three reviews in 2014.**

**Rezoning**

**1/16/2018**

Recommended to City Council approval of the request to rezone 2 acres from R-2 Single Family Residential to I-1 Light Industrial. The properties are located at 2440, 2446, 2450 and 2520 Vangie Drive; 2453 Batt Drive; and 61, 71, 81, 101 and 111 Plaster Creek Boulevard, SW. (Section 12) (L&B Properties LLC)

Deferred for one month 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. (Section 32) (TMGB Wilson, LLC) (Includes Overall Development Plan Approval – The Reserves)

**2/20/2018**

Recommended to City Council approval of the 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. (Section 32) (TMGB Wilson, LLC) (Included Approval of Overall Development Plan – The Reserves)

Recommended to City Council approval of the request to rezone 2.3 acres from R-2 Single Family Residential to R-7 Residential. The property is located at the northeast corner of Burlingame Avenue and 36th Street, SW. (Section 14) (Grandview Ventures)

Recommended to City Council approval of the request to rezone 21 and 27 Floyd Street, SW from Form Based Code to R-2 Single Family Residential. (Section 24) (Ernest Evans and City of Wyoming)

**4/17/2018**

Recommended to City Council approval of the request to rezone 0.7 acres from I-1 Light Industrial to B-2 General Business. The property is located at 3219 Eastern Avenue, SE. (Section 18) (3219 Eastern LLC)

Deferred for one month request to rezone 3.5 acres from ER Estate Residential to R-7 Residential. The properties are located at 5511 and 5551 Canal Avenue, SW. (Section 31) (Albright Estates, LLC)

**5/15/2018**

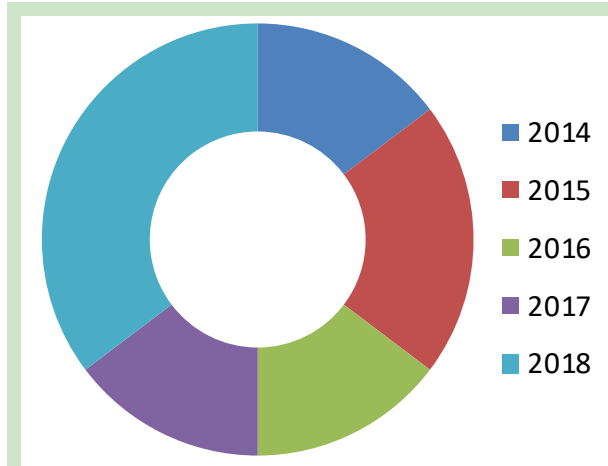
Recommended to City Council approval of the request to rezone 1.0 acres from I-1 Light Industrial to R-2 Single Family Residential. The properties are a portion of 2712 Chicago Drive, a portion of 2235 Roys Avenue, and 2215 Roys Avenue, SW. (Section 4) (Hop Family LLC and the City of Wyoming)

Deferred for one month request to rezone 3.5 acres from ER Estate Residential to R-7 Residential. The properties are located at 5511 and 5551 Canal Avenue, SW. (Section 31) (Albright Estates, LLC)

**6/19/2018**

Recommended to City Council approval of the request to rezone the Burton Street corridor from B-1 Local Business, B-2 General Business, P Parking District and R-2 Single Family Residential to FBC Form Based Code, R-2 Single Family Residential and R-3 Two Family Residential. The properties are located between Clyde Park Avenue and Burlingame Avenue, SW. (Sections 2 and 11) (City of Wyoming)

Recommended to City Council approval of the request to rezone 3.5 acres from ER Estate Residential to R-7 Residential. The properties are located at 5511 and 5551 Canal Avenue, SW. (Section 31) (Albright Estates, LLC)



**Rezoning Applications 2014-2018:** 2018 saw an increase in rezoning applications compared to the previous four years.

**10/16/2018**

Recommended to City Council approval of the request to Rezone from R-1, Single Family Residential, to RO-1, Restricted Office. The property is located at 5189 Byron Center Avenue. (Section 28) (BCH Holding, LLC)

Recommended to City Council approval of the request to Rezone from RO-1, Restricted Office to R-4 Low Density Multiple Family Residential. The property is located at 5281 Wilson Avenue. (Section 31) (Ellipsis Development)

## Condominium Plans

**6/19/2018**

Approved request to amend the Condominium Plan for the Metro Health Village (Units 3 & 4). The overall property is located at the northeast corner of M-6 and Byron Center Avenue. (Section 34) (Exxel Engineering)

Approved request for Condominium Plan Approval for Clyde Park Hospitality and Retail Center. The property is located at 5830 Clyde Park Avenue, SW. (Section 36) (Stellar Development LLC)

## Overall Development Plans

**8/21/2018**

Approved Overall Development Plan Modification of The Reserve. The properties are generally located at the southeast corner of Wilson Avenue and 56th Street.

## Resolutions, Reports & Correspondence

**2/21/2018**

Accepted and recommended to City Council the presented Gezon Park Master Plan.

**4/17/2018**

Approved the Wyoming Planning Commission 2017 Annual Report and forwarded it to City Council. (Wyoming Planning Department)

## Text Amendments

**3/20/2018**

*Recommended to City Council approval of the request to amend Zoning Ordinance Chapter 90 Article 11 Form Based Code. The amendments extend the applicable provisions to the Burton Street corridor. (Wyoming Planning Department)*

**12/18/2018**

*Recommended to City Council approval of the request to approve proposed Zoning Ordinance Text Amendments to prohibit marijuana establishments and facilities within all zoning districts (new Section 90-330 Marijuana Establishments and Facilities Prohibited)*

## Election of Officers/Appointments

**7/17/2018**

*Elected Chairperson Sherrie Spencer*

*Elected Secretary William Hegyi*

**8/21/2018**

*Elected Vice Chairperson James DeLange*

**9/18/2018**

*Appointed Alex Smart as Planning Commission representative to the Master Plan interview committee and steering committee.*

## Presentations to Planning

### Commission

**6/19/2018**

*Master Plan (Principal Planner Hofert)*

**8/21/2018**

*Presentation on The Reserve Development (City Planner Hofert)*

**9/18/2018**

*Update on Master Plan Process (City Planner Hofert)*

**12/18/2018**

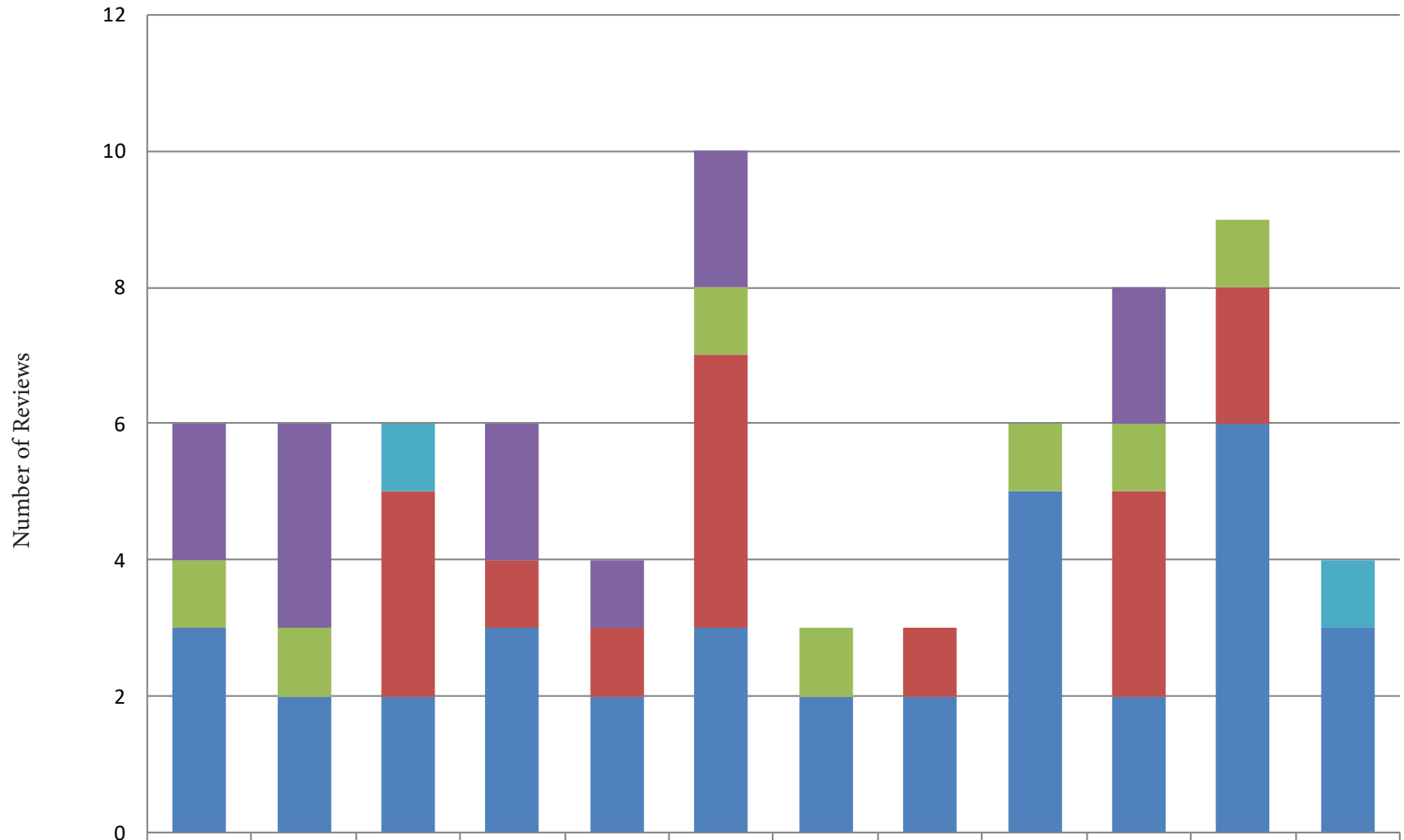
*Form Based Code Presentation (City Planner Hofert)*

## Planning Staff

*Planning staff performed 35 administrative site plan reviews in 2018. This is comparable to the number of reviews performed over the last four years.*

# Annual Comparisons

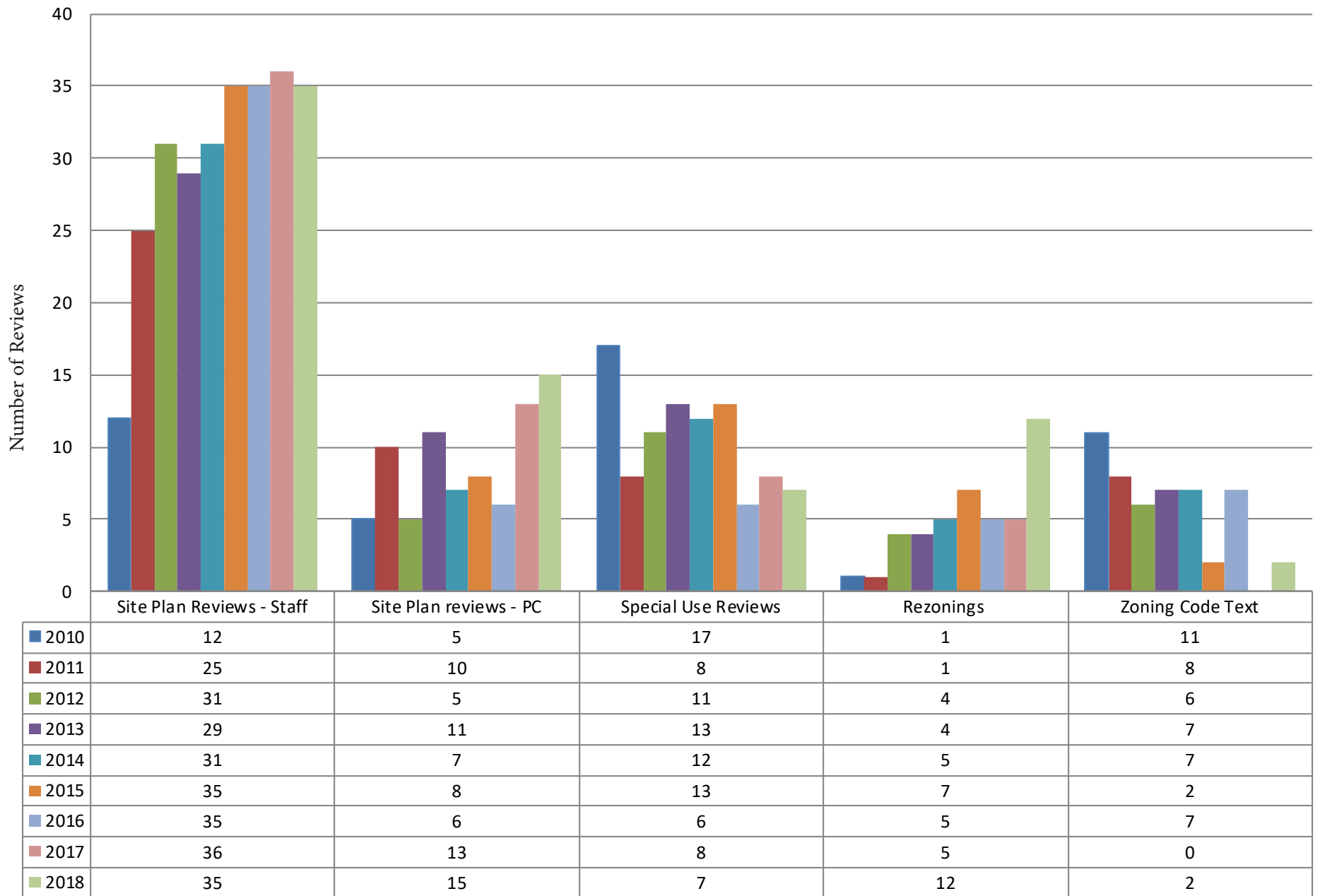
## 2018 Planning Activity



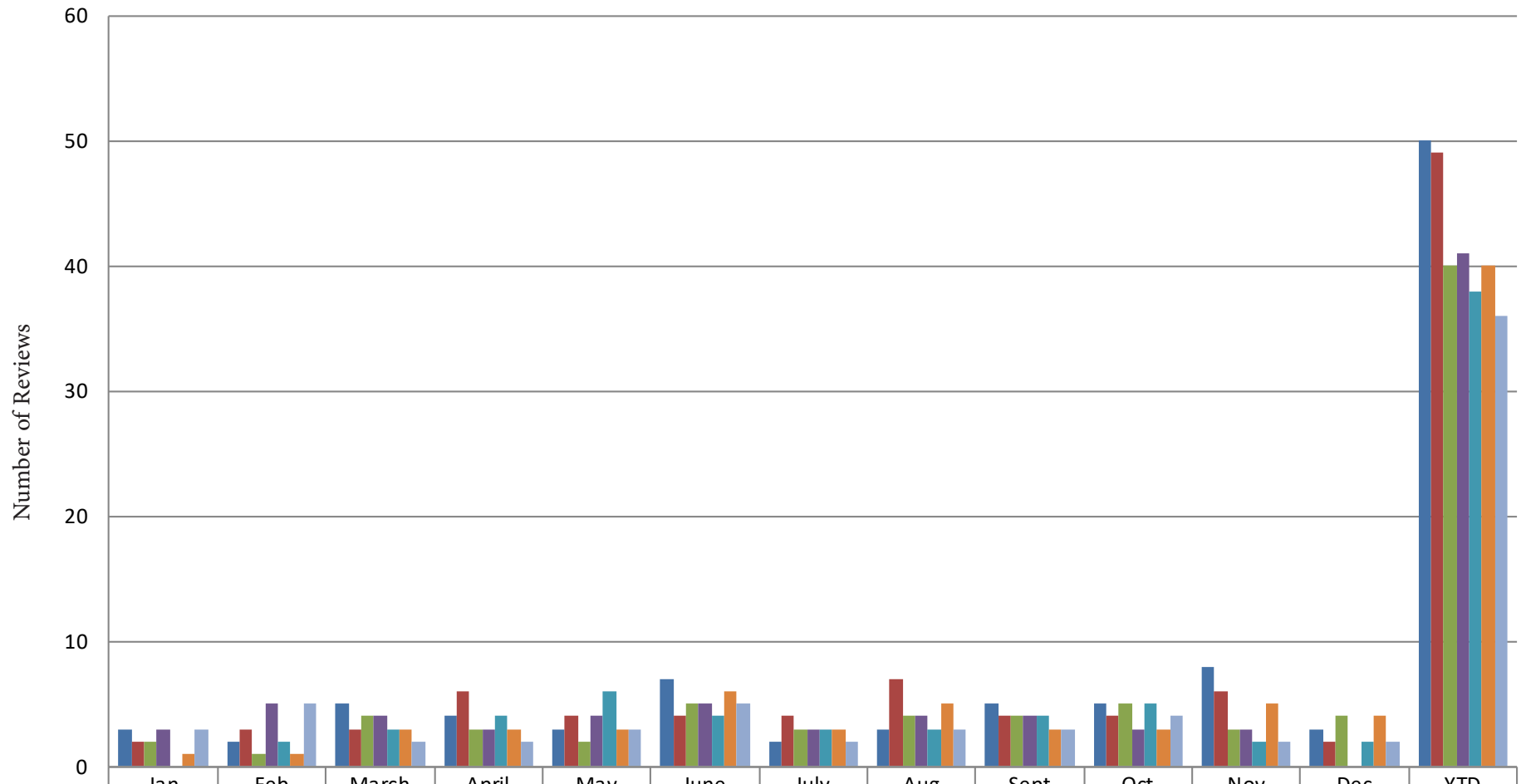
	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Zoning Code Text			1									1
Rezoning	2	3		2	1	2				2		0
Special Use Reviews	1	1				1	1		1	1	1	0
Site Plan Reviews - PC			3	1	1	4		1		3	2	0
Site Plan Reviews - Staff	3	2	2	3	2	3	2	2	5	2	6	3

## Annual Comparisons

Planning Activity 2010-2018



## Site Plan Reviews: Staff and Planning Commission Combined



	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD
CY 2018	3	2	5	4	3	7	2	3	5	5	8	3	50
CY 2017	2	3	3	6	4	4	4	7	4	4	6	2	49
CY 2016	2	1	4	3	2	5	3	4	4	5	3	4	40
CY 2015	3	5	4	3	4	5	3	4	4	3	3	0	41
CY 2014	0	2	3	4	6	4	3	3	4	5	2	2	38
CY 2013	1	1	3	3	3	6	3	5	3	3	5	4	40
CY 2012	3	5	2	2	3	5	2	3	3	4	2	2	36

For additional information, please contact  
the City Planner at 616-530-3170 or  
[planning\\_info@wyomingmi.gov](mailto:planning_info@wyomingmi.gov).



The petitioner responded affirmatively. Goodheart inquired if the project would be able to be completed in one phase. The petitioner confirmed that the project would be completed in one continuous phase. Goodheart asked if the infrastructure and roadways would be constructed at one time. The petitioner replied yes. Goodheart pointed out there needed to be a higher level of detail on the plans before they would be issued building permits.

Micele inquired about the rental rates, the greenspace and the demographics for this development. The petitioner replied the rental rates will range from \$1,000 - \$2,000 per month, with additional charges for upgrades and/or garages. There will not be many families living here, most likely just 10%, so they will not put in a playground. There is a higher demand for pet parks.

Hegy asked staff for clarification on the traffic impact. Hofert commented that a traffic study was completed and found that the study confirmed the roads can handle the additional traffic.

Smart and Arnoys inquired about the density of the project. Hofert noted the density remains the same, capped at 300 apartment units.

Goodheart asked if they meet open space requirements. Hofert responded the open space requirements for Area 3 are being met the requirement for the community center in the larger Reserve Development still needs to be provided for as the clubhouse amenity in the proposed plan is solely for the residents of The Springs development..

DeLange noted there had been previous concern about the quality of an apartment development at this location. After viewing the Springs development at Knapp's Corner, he had no doubt it will be a quality development.

A vote on the motion carried unanimously.

#### AGENDA ITEM NO. 6

##### Planning Commission 2018 Annual Report

Hofert presented the Planning Commission 2018 Annual Report, which will be forwarded to the City Council for their information.

Motion by Micele and supported by Arnoys, to accept the Planning Commission 2018 Annual Report as presented and forward it to City Council. Discussion followed.

Chair Spencer noted that she was very pleased with the overall presentation and content of the Annual Report and felt it was well done.

A vote on the motion carried unanimously.