

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
NOVEMBER 28, 2017, 7:30 P.M.
COMMISSION CHAMBERS

- A. Chair Jones called the meeting to order at 7:30 p.m.
- B. The Pledge of Allegiance was led by Commissioner Kape.
- C. Roll Call:
Members Present: Bill Benoit, Garrett Fox, Dan Holtrop, Sandra Jones, Ed Kape, Mike Pemberton, Frank Vander Hoff and Johngerlyn Young
Members Absent: NONE
Others Present: Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Senior Planner Joe Pung, Planning Assistant Monique Collier and the applicants.
- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner Pemberton, to approve the Minutes of November 14, 2017.

- Motion Carried (8-0) –

- E. Approval of the Agenda

Under New Business the project Case# for Cobblestone should be Case#1-18. Also, under Other Business add discussion for a prospective Form Based Code Apartment Development.

Motion by Commissioner Holtrop, supported by Commissioner VanderHoff, to approve the agenda for the November 28, 2017 meeting with changes noted.

- Motion Carried (8-0) –

- F. Acknowledge visitors wishing to speak to non-agenda items.
- G. Old Business

Case#30-17 – Zoning Ordinance Amendment pertaining to Art Display Venues

Schweitzer stated staff doesn't have anything new. However, there will be a public hearing on December 12. The recommendation will be based upon the prior discussion.

- H. Public Hearing

Case#31-17 - Woodland Mall – Final Site Plan Review - Located at 3195 28th Street

Golder stated at the work session there was discussion regarding changes to the plan from the preliminary to the final site plan. Golder stated in the future we will need the land division for Von Maur. She stated Von Maur is going to sit on its own parcel of land. The applicants already have a deviation for lot coverage from the City Commission. She stated we need a lot line adjustment for the restaurants because the lot lines go through the two proposed restaurants or retail buildings on the west side of the theater. Golder stated the revised site plan now incorporates the additional sidewalk out to 28th Street and they added sidewalk going towards the Von Maur building. Golder stated staff will still review the landscaping and lighting plan as it comes through for the building permit. Golder stated signage does not meet our current ordinance. She stated the applicants can look for an amendment to our sign regulation or they can go to the Zoning Board of Appeals. She stated the applicant did indicate they discussed the restriction of left turn out of the unsignalized driveway onto 28th Street.

Golder stated the staff recommendation is for conditional approval of the site plan date November 16, 2017.

1. Compliance with the City Engineer memo dated May 16, 2017, and the Kentwood Fire Marshal memo dated March 22, 2017.
2. Applicant shall either apply for a lot line adjustment or amend the footprint of buildings such that lot lines do not bisect buildings.
3. City Commission approval of the proposed additional parcel (Von Maur parcel) within the existing platted subdivision.
4. Applicant will either need a variance from the sign provisions of the Kentwood Zoning Ordinance or successfully petition that the sign regulations for the C-3 Regional Commercial zone are amended.
5. Staff approval of final building elevations, landscaping and lighting.

Jones opened the public hearing.

There was no public comment.

Motion by Kape, supported by VanderHoff, to close the public hearing.

- Motion Carried (8-0) –

Dan Pascale with PREIT was present.

Fox questioned the total count of parking spaces, what is the difference before and after. Dan Pascal stated overall the square footage of the redeveloped property will be less than the current

with Sears. They have less of a building area and a little more parking than prior. Pascal stated it meets the parking ratio that is required. Fox stated he was concerned because around the movie theater it seems like that corner gets really busy and with the addition of restaurants in that area is going to need additional parking spots. He questioned where they are expecting those individuals to go. Pascale stated they also have that concern. They are phasing the project so the buildings behind the theater will not be part of phase 1 nor will the out parcels. Pascale stated they want to wait and see how it goes.

VanderHoff, Benoit, Pemberton, Young, Jones and Kape stated they were ok with the request and don't have a problem and happy to see the revitalization of Woodland Mall.

Motion by Benoit, supported by Fox, to grant conditional approval of the site plan dated November 16, 2017 for the Woodland Mall Redevelopment project as described in Case No. 31-17. Approval is conditioned on conditions 1-5 and basis points 1-5 as described in Golder's memo dated November 20, 2017.

- Motion Carried (8-0) -

I. Work Session

Case#32-17 - Speedway – Major Change to the 52nd and Broadmoor CPUD - Located at 5173 Broadmoor Ave SE;

Case #33-17 - Speedway – Expansion of a Special Land Use Vehicle Fuel Station and Site Plan Review - Located at 5173 Broadmoor Ave SE;

Planner Golder introduced the request she stated

Original PUD Plan:

1. The applicant is proposing the redevelopment and a major change for an approved site plan for the Speedway station located at the northeast corner of 52nd and M-37 (Broadmoor Avenue). The current Speedway Station includes 10 pump stations and a 3400 square foot convenience store. The new plan increases the land area from 1.17 acres to 2.371 acres and adds 6 pump stations, a 4,608 square foot convenience store, and two commercial fuel lanes for commercial trucks and semi tractors with trailers. The proposed plan adds an additional driveway access to 52nd Street which is inconsistent with the approved plan and with PUD guidelines adopted by the city in 1996. Other features outlined in the terms of the CPUD include the following:

- 35' landscape setback along entire street frontage
- 15 foot rear yard and side yard setbacks along the entire west side of the site
- 10 foot side and rear lot lines along the interior side and rear lot line
- Single store buildings with sloped roof and brick façade
- Phase 1 restaurant (burger King) is the only drive through restaurant permitted

- Walkways within the site and out to the adjacent roadways to accommodate nearby businesses. The walkway can consist of crushed stone, concrete, asphalt, or a maintained wood chip bed.
- 75 square foot sign is permitted at the 52nd Street driveway to identify all of the businesses within the PUD if a single parcel of 5 acres is assembled.
- One drive opening on 52nd Street no further east than the common lot line between the VanAllsburg and the Lipsey properties
- Cross access easements required between all of the properties
- Service drive along Broadmoor Avenue frontage. The service drive may encroach no more than 20 feet in the required 35 feet, provided that: 1) the reduced setback is necessary to accommodate a reasonable site design within a development phase; and 2) there are safe and efficient traffic operations at or near driveway openings. Service drive connection between VanAllsburg and the Burger King properties optional if alternative interconnection is achieved.
- Northernmost Broadmoor opening is at least 300 feet north of the median opening for southbound to northbound Broadmoor traffic
- No more than 3 drives from Broadmoor Avenue
- 20 foot building setback from the edge of the service drive along Broadmoor Avenue.

Changes to the PUD Plan

2. The applicant has proposed changes to the plan that would violate the above PUD standards outlined in the PUD Statement of February 1996, as follows:
 - **Applicant does not want to maintain a 35 foot setback along the public street frontages, but is proposing reducing the setback to approximately 27'-28' along Broadmoor and 52nd Streets**
 - **Applicant does not want to provide sloped roofs for the canopies**
 - **Applicant would like to have an additional drive opening from 52nd Street for trucks (also a Special Land Use Standard)**
 - **Applicant would like the 20' building setback along the edge of the service drive reduced to 7.10 feet.**

ZBA Variances required

3. The applicant is also requesting three variances from the Zoning Board of Appeals:
 - Height of the light poles on the site. A maximum height of 20' is allowed; the applicant wishes to allow for poles of 32 feet in height.
 - Special Land Use Standards of Section 15.04D of the Zoning Ordinance allows only driveway for each street that it has frontage. Two driveways are proposed for the revised Speedway plan.
 - Site does not meet the lighting standards of the city; under the canopy the illumination can be up to 62 footcandles; the city ordinances allow a maximum of 22 footcandles.

Deviations from CPUD Standards:

4. The CPUD zone also allows deviations from certain zoning ordinance standards. One of the sections that is eligible for deviation is Section 12.05C. Section 12.05Cg says that sign types and materials must be consistent with the overall architecture of the PUD and shall be subject to the sign limitations for uses or buildings of a similar type built in the respective zoning districts. The applicant is requesting the following deviations to the sign regulations:
 - Proposing five directional signs—32 square feet each. Zoning ordinance limits directional signage to 6 square feet. Signs are proposed to be illuminated.
 - Speedway is proposing wall signage on all four sides of the gas canopy and a reader board on the wall of the convenience store. In the past, the city has allowed gas stations to either utilize the canopy or the convenience store for its wall sign display, but not both. Additional signage is proposed for the canopy covering the truck fuel area. To be in compliance with the city's sign requirements, the wall signage on the canopy would be limited to the sides facing the public street and to the dimension allowed by the calculation for wall signage in Section 8.03 D of the Zoning Ordinance. The directional signage proposed on the truck fuel canopy also exceeds the directional sign requirements of the zoning ordinance.
 - The applicant also is proposing market sales signs on the canopy columns and the bollards near the dispensers which is not permitted by the Zoning Ordinance.
 - Speedway is also proposing three 5 square foot "auto entrance" signs on the site. This is directional signage and is within the 6 square foot maximum but the number of signs seems excessive.

Site Plan Review

5. The applicant is proposing the redevelopment and a major change for an approved site plan for the Speedway station located at the northeast corner of 52nd and M-37 (Broadmoor Avenue). The current Speedway Station includes 10 pump stations and a 3400 square foot convenience store. The new plan increases the land area from 1.17 acres to 2.371 acres and adds 6 pump stations, a 4,608 square foot convenience store, and two commercial fuel lanes for commercial trucks and semi tractors with trailers. The proposed plan adds an additional driveway access to 52nd Street.
6. The existing Speedway gas station provides to continue the existing connection to the Burger King site through a north-south driveway easement that runs along the west side of the proposed convenience store building. The driveway is less than 10 feet from the building wall of the Speedway convenience store building. Required parking for the convenience store site is located west of the driveway to Burger King and north of the truck fuel station. These parking spaces are not going to be used by the commercial truckers, they are intended for the people going to the convenience store. The drive aisle from the convenience store parking to the west side parking is offset and awkward. The spaces intended for the convenience store should be more accessible. Further the driveway to Burger King should be on the westernmost edge of the property, or removed, rather than in the middle of the site.

7. Review of other Speedway locations in which truck fueling is offered suggests that truck fueling lanes are generally located behind the main building, and that circulation for trucks is separated to some degree from circulation for cars. It also appears that these gas stations have space to allow for temporary truck parking so that truck drivers can purchase food or use facilities at the convenience store. The proposed seems too small for the uses and layout that is envisioned. Truck traffic and auto traffic/parking should be separated, with dedicated locations for truck parking and pedestrian access to Burger King. If vehicular access to Burger King is desired, it should take place on the western edge of the property, rather than through the middle of the site where pedestrians may be walking to the parking area on the west side of the site.

8. The driveways proposed for the Speedway site seem excessively large. The width of the driveway at the right of way on easternmost 52nd Street driveway is 60'. The westernmost driveway is proposed to be 50' at the right of way line. The eastern driveway on 52nd Street includes an 18' median. The median appears to be paved. Speedway should show truck turning radii on the site plan so that the Commission can determine whether the excessive driveway width is warranted. See City Engineer memo dated November 20, 2017.

9. The site is overwhelmed with oversized directional signage. Five proposed directional signs are provided that are each more than 5 times what is permitted in the Commercial Zone. Each sign is proposed to be lit and range in height from 6 to 10 feet. Other directional signage proposed is either larger than 6 square feet or too many signs are proposed.

Attributes:

- Additional land acquired for site that is heavily utilized
- Commercial fueling station not currently available in the area
- Applicant attempts to separate truck traffic from auto traffic

Issues:

- Many deviations from the PUD standards and from the PUD conditions
- Zoning Board variances required
- Too much directional signage
- Driveway to Burger King causes circulation and sight distance issues
- Driveways too wide
- Increase in number of pumps will cause additional circulation issues

Golder stated with the special land use some of the issues are specific zoning provisions as well as conditions of the original CPUD approval. In general special land use requirements Section 15.02.D. Golder stated she thinks some of the issues would come through with this special land use request.

Mandy Gauss, 8164 Executive Court, Lansing Michigan with CESO Engineers was present representing Speedway. Also Kevin Foley and Al Chaconis with Speedway were present.

Gauss stated with the existing site the building does have the 20 foot setback, however the parking is on the east side. There is no greenspace, therefore cars are currently backing up into that service drive now. She stated having the 7 foot setback for the building to the service drive, it's in a location where no turning movements are occurring, therefore from a safety standpoint, they do not see this as being an issue. Gauss stated typically around the building they have a 7 foot sidewalk at a minimum which is for safety. They don't add additional bollards for safety reasons, therefore the 7.1 feet for that setback they feel will be fine and it will be a green area where currently that is all pavement.

Gauss stated the existing site has the 5 fueling positions. She stated he knows that there are currently issues with trucks and cars cueing as they are trying to fuel and people are parking in the green area on the side to access the store. She stated trucks back up to get to the diesel there is only one pump there now that services diesel. She stated adding the commercial fueling will help alleviate quite a bit of these problems. The box trucks can then utilize the commercial lanes which frees up the pumps which will be proposed as 8 dispensers for the public. She stated you will have less customers sitting and waiting which will help the circulation on site. She stated there are also two diesel pumps proposed. There are 4 diesel fueling positions for the smaller trucks, autos, vehicles that are diesel fueled.

Gauss stated there are 13 parking spaces that are shown adjacent to the store. There are also the 16 spaces that are on the commercial fueling side. She stated they see more of the 16 on the commercial fueling side being used for longer term for the employees and also for people who will be sticking around a while. She stated the spaces in the front of the store would be opened up by not having the employee's park there. The customers are quickly coming and going. She stated having the employee parking in the opposite side of the drive aisle will help alleviate some of the parking issues that are at the current site.

Gauss stated the loading area is where there are trucks parking as they are unloading. She stated they will happily show a striped hatched area for loading. If there is an area that is striped out Speedway can then force their vendor drivers to use that as a loading zone. That will help take away the loading within that drive aisle that is currently occurring on the existing site.

Gauss stated one of the comments was the prospect of a driveway connection with Lacks in lieu of the proposed driveway. Kevin Foley has had conversations with Lacks. Foley stated he spoke with Lacks just to see if there was any interest. He stated Lack's confirmed that they looked at the request a few years ago and at that time they approached them they weren't interested. They didn't see any benefit letting truck traffic come through their property. Foley stated yesterday they did say that they would look at it again and run it by corporate and consider it. Foley stated but to be honest they didn't see a lot of benefit for them, it will just put more trucks on their property. He stated they were considerate and said they will look at the possibility.

Gauss stated the two driveway openings on 52nd that are being requested will need a variance. The driveway further to the west is an entrance drive only, it will not be an exit drive. She stated they don't have an issue narrowing the drive to 40 feet per the engineer's request. She stated as the trucks maneuver on the proposed site plan it is as tight as it can get. She stated to shift

everything down in order to align the drives, the trucks would not be able to pull into the canopy to fuel. She stated how these are set up is there are two commercial fueling lanes, one way to enter, but how that works is there is a master and satellite for each vehicle. When they pull in there is a master side where they can pay and then they can fuel from either the master or the satellite dispenser. She stated it shows three but there are actually only two lanes there to allow for fueling. She stated it is a one way movement, the trucks would have to enter at the west drive and exit at the east drive onto 52nd Street. They wouldn't have access to Broadmoor directly without going back on to 52nd and then to Broadmoor. She stated that is the reason for needing the two drives versus the one drive. She stated that is also the reason for requesting the larger 32 square foot directional signage.

Gauss stated they are proposing the larger signs at the entrance drive. She stated there isn't a commercial logo, it doesn't have Speedway on it, the sign is strictly to direct trucks to the correct access drive. She stated if the truck enters into another driveway they could not access the fueling lane and it causes a lot of confusion on site. The trucks couldn't maneuver around the canopies. She stated they are also requesting the larger signs at each sides of the entrance drive and the exit signs and also the auto truck exit. She stated the smaller directional signs which are proposed for the 5 square feet are on the 52nd Street frontage and two on the east side. She stated at the minimum they would prefer to have the sign at the entrance drive to help direct trucks to that drive for entrance reasons and to keep the flow on the site safe.

Gauss stated they want to remove the requirement for the sloped roof. She stated they would like the flat canopy which is standard at the Speedway gas stations. She displayed pictures of the roof on the canopies. She stated all of the mechanical equipment is on the rear of the building tucked in and also screened.

Gauss stated another request was not to have the requirement for the full 35 foot greenbelt along the front and the ROW. She stated they are proposing 27 feet 27 ½ and 28 ½ . The reason for the request is because it is a pretty narrow site in order to orient the building and the canopy and have the best flow movement. Speedway has done a lot of study for the proper movement on site and this meets their preferred minimum driveway widths between the dispensers and the curbing.

Gauss stated as for the signage, they are requesting for the signage for the PUD, per code they are allowed one wall sign 118 square ft. maximum on 52nd Street and one wall sign 72 square foot maximum on Broadmoor. She stated what they are requesting if you add all the signs together is less than that total square footage. For both of the allowed signs it would be a total of 190 square feet and what they are requesting is 178 ½ square feet between the wall and the canopy sign. She stated the reason for the request for breaking up the signage into different smaller signs, the S logo signs are 11 square feet. The reason for wanting them on both sides of the canopy is because you have traffic that is flowing and the canopy signs really give the visibility on the road and gives you time to maneuver over to the right lane to safely enter the site. She stated they have the ground sign, however, it is a lot lower, it has the price but it doesn't give the warning as much as your canopy signs do. She stated what they are requesting is the Speedway logo on the north and south face of the auto canopy which would be visible from the roadway and the Speedway channel letter signs which would be visible from both directions of

52nd Street on the CFL canopy they are requesting two of the Speedway logo signs. She stated the building sign they are requesting is just a reader board and those are not intended to draw people to the Speedway it is more intended for the use of people filling the car up for advertising, specials and current deals.

Gauss stated the reason for requesting taller light poles (and it will only be in the area where trucks themselves maneuver) is due to the shadows you get when the large truck pulls underneath a 20 foot tall pole. She stated it creates a safety problem and a lot of dark spots. With the 32 foot mounting height you can see the shadow is a lot less and give it a lot safer overall site. The other light poles on the site will be per code as far as the height and shielding.

Gauss stated to meet the 22 foot candle average the light levels underneath are not sufficient for proper task lighting. They prefer a 46 minimum or average across the canopy and that is what they are requesting for the variance for the light levels under the canopy. They are all LED lights. She stated there is not a lot of spillage or pollution above the lights.

Gauss stated another concern was the location of the connection to the Burger King and into the parking area. She stated staff would prefer it be aligned to be straighter or be relocated. Relocating will not work in discussion with Burger King, they will not allow that. She stated they already have cross access at this location. She stated to align and shift over it creates an issues with their tuck movements and they are not holding up traffic. She stated they don't see it as a safety concern. There is 10 feet and definitely enough room for them to go beyond the building visually to see the entire drive before they can cross the road.

Kape stated there is a lot going on within the site. He noted the 9 parking spots in front of the store. He finds it bothersome that the customer's additional 16 spots are far away. Kape stated the signage request is a lot. Young agreed with Kape that there is too much going on with this site.

Pemberton stated his concerns are the signs and how much is required. He stated we need to compromise. Pemberton stated he isn't concerned about the lighting he views that as safetyfactor especially this time of year when it gets dark. Pemberton stated with this added capacity he feels they are going to be a busier place and will create flow issues and will be chaotic. He also questioned where they will put the piles of snow and thinks that may be an issue also.

Holtrop stated he thinks there are too many large signs. He thinks one sign for the trucks would be enough and it could be smaller than 32 square feet. Holtrop stated the lighting isn't next to a residential and he can understand the safety. He too agreed with Kape and doesn't think people will park where the proposed spots will be. Holtrop questioned if they will offer pumps to semis Gauss stated they are hoping the commercial fueling sales will increase, there is a need for it in the area. Holtrop stated she mentioned ground signs with the prices on them. He questioned if they are they no longer going to be in the air. Gauss stated they are proposing 2 ground signs 72 square foot just over 8 feet tall total. She stated they are proposing one on the entrance on Broadmoor and the entrance at 52nd Street. Holtrop questioned if Burger King will allow an easement change.

Al Chiconos stated they are willing to negotiate the 22 foot candles, the signage and also the slope canopy. He stated they can work off of their standards to be able to come to a compromise. He stated he met with Burger King and they are adamant about keeping the connection where it is now. He stated that has to stay the way it is and the bend is how the trucks can get around. Holtrop stated he would like to see the lights, signs and slope of the roof less than what he has requested and that would assist. If there are any other changes for the site flow that is an issue. Chiconos stated this will be a deal breaker without the diesel lanes. They are putting 5 million dollars into this project and there is no way the shareholders would agree to and ROI and the diesel helps that to happen.

Golder stated we will get the addresses of the other gas stations so the commissioners can go take a look at what 22 foot candles looks like as they are complying with the ordinance

Benoit stated he agrees with the commissioners. He stated this is a CPUD therefore they have the ability to make these changes. He stated he doesn't have a problem with what the planning commission has to recommend. He suggested the applicants see what they can do and come back with a better plan. He thinks it is a good project.

Fox stated he thinks it is good to have more parking spots at the facility. He stated he thinks they are using the facility well but he thinks it is probably less attractive to use the spots to the west. The way people are using parking spots isn't a safe way. He doesn't think people will use the spots the way they have them lined up. He questioned re-grading the lot.

Gauss stated everything that is there now will be demolished. Any existing issues will be taken out and all new infrastructure will be going in. Fox questioned the difference of the lighting now and what they are asking for. Gauss stated she isn't sure what the current light levels are and will have to get a reading. Discussion ensued regarding lighting.

Fox questioned if they are looking to increase staff. Chiconos stated yes they will they will probably go up to 13-15 employees they have 9-10 employees now. This will not be a café location, it will be a grab and go. Fox questioned from the first pump to the grass how much pavement now and how much will there be with the revisions. Gauss stated from the island to the curb about 55 feet and what it will be with the proposed changes is 47 feet. Discussion ensued. Fox questioned the timing for completion. Foley stated once they get through the planning and city commission hopefully construction can start in August 2018 and be finished by December 1.

VanderHoff stated there is a lot going on, but he would strongly encourage them to meet with planning staff to find out what areas they can make concessions without violating our rules and regulations. He stated what the planning department comes up with will probably be what the commissioners will approve.

Jones agreed with VanderHoff. She also questioned the signage she stated it seems overwhelming. Jones suggested they meet with staff and make changes to the plan because as it stands now they would not approve the request.

Case#34-17 – Gander Mountain Parking Lot – Expansion of a Special Land Use Open Air Vehicle Sales Business onto 2890 Acquest Ave and Site Plan Review;

Schweitzer introduced the request. He stated the request is for Special Land Use and Site Plan Review to Expand the Nissan Open Air Business Vehicle Sales. Schweitzer stated the site of the 33,000 square foot building included a 200 space parking lot. He stated they plan to convert the existing building to an indoor vehicle detailing center requiring a fraction of the existing parking for the use of their employees. Green Castle Properties, LLC also owns the adjacent Nissan Open Air Vehicle Sales business and they wish to expand their site and utilize 118 of the parking spaces for vehicle storage and drive aisles between the two properties.

Schweitzer stated Green Castle Properties, LLC is under contract to purchase the former Gander Mountain site with plans to convert the building to an automotive detailing facility to support the various Fox Group automotive dealerships. This new use, operated entirely within the enclosed building, is considered a minor vehicle repair facility a permitted use in the C-2 zoned district.

Schweitzer stated the applicant does not wish to formally split off and combine the area of the 118 parking spaces with the Nissan site. Instead they have offered to enter into an agreement with the city that requires the parking spaces to be reverted back for the exclusive use of the Gander Mountain property upon its sale to another entity and/or the reversion back to a retail use. If conditional approval of their request is granted we would confer with the City Attorney to ascertain the most effective way to achieve this end.

Gander Mountain has a sign on 28th Street and Acquest Drive. Schweitzer stated the sign can only identify what is on that property they cannot use the additional sign for another Nissan sign. On the northeast corner of the building there is a truck dock they plan to eliminate. They will install a ramp that will be the entry point for detailing the vehicles. They will create an exit drive towards the north west corner of the building and also looking at introducing another access way into the building. Schweitzer stated staff has asked to applicant to amend their statement of operations to include these changes and how it is circulating through the site.

Schweitzer stated staff sees no issue with the nature of the applicant's request.

Tom Rothwell with DP Fox was present. He stated they closed on the building and do own it now. He stated they have applied for and were granted a 30 day temporary use of the spots for the Nissan overflow. He stated they will be meeting with Triangle and Associates and will be working through issues: site circulation, access point etc. He stated currently they send their cars out to a similar operation for detailing. They are now going to take that all in house. He stated they are going to take the 117 spaces and leave the detailing center at 82. Rothwell stated they will have their attorney draft the language giving up the overflow parking/display for Nissan dealership should the building ever be pure retail or sold.

VanderHoff, Holtrop, Pemberton, Young, Kape and Jones stated they were fine with the request it looks good. Fox questioned the employee parking. Rothwell stated that will be in the rear. There are about 11-20 spots that will be used for staff. Fox questioned how many people he is

looking to employ. Rothwell stated he will have that information for the public hearing maybe 10-12. Fox questioned how many shifts. Rothwell stated two maybe three.

Case #35-17 – Midway RV Center – Special Land Use Open Air Business and Site Plan Review
– Located at 5590 Division Ave SE

Pung introduced the request. He stated the request is for 2 special land uses one for the open air business and another for expanding the building for additional space for minor vehicle repair. He stated the request is now under Form Based Code classification and under Form Based Code minor vehicle repair is now a special land use. He stated the open air business will be expanding on to adjacent parcels to the east and the minor vehicle repair will be going into the 10,400 square feet building addition onto the rear of the building. The current dealership received special land use and site plan approval from the planning commission in 1978. In 1999 the planning commission approved a major change to allow for the expansion of the building. In 2002 the planning commission approved a special land use and site plan in order to expand the open air business paved area to allow for more vehicle storage. In July of this year the City adopted the Division Avenue Form Based Code and in September the properties were rezoned to the new code.

Pung stated the new code places significant emphasis on the design and locations of buildings within the Form Based Code area. It is intended to encourage mixed use development along with creating a walkable more urban type environment. Most of this issues with this development are due to the fact that we are going to Form Based Code.

Pung stated the project needs to comply with specific set of Form Based Code regulations

- Building Type and Façade
- Use
- Signage
- General Landscaping
- Façade Landscape
- Parking Landscape
- Lighting
- Amount of parking

He went on to review his staff report

Pung stated the non-Form Based Code issues are operations and business description and also an idea of hours of operation. Also this is not a requirement but we do have the option to require a 6 foot high vertical screen across the rear and side lot lines.

Pung stated the applicant will be going to the Zoning Board of Appeals to maintain their existing building façade.

Discussion ensued regarding the building façade

Pemberton stated we didn't want to chase businesses away with Form Based Code. We want them to grow their business within the Form Based Code area. He stated he doesn't have any problem with the plan. Hopefully we can work our way through this one maybe we will have to back off a bit and grandfather some of these developments.

Tim with The Architectural Group was present. He stated Naber is not going to tear the whole existing building down. Tim stated the front of the building right now is a nice looking building compared to a lot of businesses that are on that stretch.

Fox stated he is ok with grandfathering in the facility as it stands.

VanderHoff stated with the Form Based Code there may be some issues we didn't look at and think through thoroughly. He stated we need to think this out and figure out where we are going with the Form Based Code.

Jones stated we had a lot of discussion about the Form Based Code and we went into it knowing there would be requests for variances. She stated her only disappointment we did have someone who sat through the meetings and now comes to us. Golder stated Naber did as much as he could. She suggested maybe a combination of increasing the size threshold where you have to comply and making it less about the zoning board and more about the planning commission or staff on making a decision on where you can grandfather in.

J. New Business

Motion by Holtrop, supported by Pemberton, to Set a public hearing date of January 9, 2018, for: Case#1-18 – Cobblestone at the Ravines –Final Site Plan Review of Phase II the Central Village Detached Condos and Phase I of the Village East Attached Condominiums within the Cobblestone At the Ravines on the North Side of 44th Street, West of Shaffer Avenue Zoned RPUD-1

- Motion Carried (8-0) –

K. Other Business

1. Prospective Form Based Code Apartment Development

Golder stated there was a gentleman that came in having an interest in putting in an apartment development on the former driving range site. They would also like to buy the automotive repair tire and two story office/apartment buildings. She stated staff told them about Form Based Code and they didn't like it. However, they did propose buildings to front on Division like we want them to. It would be a dooryard type apartment building design. However on the balance of the site they laid out a more traditional apartment layout and building design yielding an overall density of 19 units per acre. Golder informed them if they didn't go with Form Based Code on the balance of the site they would have to rezone to a density of no more than 12 units per acre. Golder stated she told them they would have to rezone and comply with our density. Golder

stated she told them she would ask the commissioners what they would think if they kept the Form Based Code on the frontage and looked for another zoning for the back part of the parcel of land. Golder stated the front would look like Form Based Code and the back would look like an apartment complex.

The commissioners agreed to let them know to take the frontages on Division and 52nd Street and make that meet form based code. The balance of the site could go to R-4 or RPUD-1 to allow for more traditional development within the 12 unit per acre maximum density.

2. Commissioners' Comments

Fox questioned if we have any candidates for our empty spot for planning commission. VanderHoff stated Robert Houtman is interested.

Holtrop stated he toured 3 Two Ranch they did a nice job inside.

Jones thanked the commissioners for the birthday treats and the poinsettia

3. Staff's Comments

Staff offered no additional meetings

L. Adjournment

Motion by Commissioner VanderHoff, supported by Commissioner Fox, to adjourn the meeting.

- Motion Carried (8-0) -

Meeting adjourned at 10:25p.m.

Respectfully submitted,

Ed Kape, Secretary