

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
DECEMBER 12, 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 VanderHoff.
- C. Roll Call:
Members Present: Bill Benoit, Garrett Fox (arrived late), 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.

Motion by Kape, supported by VandderHoff, to excuse Fox from the meeting.

- Motion Carried (7-0) –
- Fox absent -

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner Pemberton, to approve the Minutes of November 28, 2017 and the Findings of Fact for: Case#31-17 - Woodland Mall – Final Site Plan Review - Located at 3195 28th Street

- Motion Carried (7-0) –
- Fox absent -

- E. Approval of the Agenda

Motion by Commissioner Benoit, supported by Commissioner Holtrop, to approve the agenda for the December 12, 2017 meeting.

- Motion Carried (8-0) –

- F. Acknowledge visitors wishing to speak to non-agenda items.

There was no public comment.

- G. Old Business

There was no Old Business

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. He stated a portion of the former Gander Mountain site is being proposed to be used for overflow of display and parking of vehicles for the adjacent Nissan project. Schweitzer stated the expansion of the open air business is under review.

Schweitzer stated there are a lot of cars on the Nissan site. There has been a need for more space for a period of time and this is an opportunity because DP Fox owns the property and operates the Nissan dealership. Schweitzer stated if DP Fox decides not to have the detailing in the former Gander Mountain building and wish to sell the property, staff wants to have enough assurances that there is enough parking to support a full retail use of the former Gander Mountain building. This is reflected in the special land use recommendation and to some extent within the site plan recommendation as well. The staff recommendation is to recommend conditional approval of the request for Green Castle properties DP Fox to expand the Nissan Open Air Vehicle Sales on to a portion of 2890 Acquest with the conditions noted in the recommendation for the SLU and SPR.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (8-0) –

The Commissioners were ok with the request and thought it was a good use of the facilities.

Motion by Holtrop, supported by Pemberton, to grant conditional approval of the request of Green Castle Properties LLC to Expand the Nissan Open Air Business Vehicle Sales at 4430-28th Street onto a portion of 2890 Acquest Drive with conditions 1-2 and basis point 1-2 as described in Schweitzer's memo dated 12-7-17.

- Motion Carried (8-0) –

Motion by Holtrop, supported by Pemberton, to grant Conditional approval of the October 31, 2017 site plan associated with the request of Green Castle Properties LLC to Expand the Nissan Open Air Business Vehicle Sales at 4430-28th Street onto a portion of 2890 Acquest Drive with conditions 1-2 and basis point 1 as described in Schweitzer's memo dated 12-7-17.

- Motion Carried (8-0) -

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

Schweitzer stated this request is to devise a group of amendments to the Kentwood Zoning Ordinance to formally establish a use allowance to accommodate the desire for the outside display of works of art in the City of Kentwood. He stated this use allowance is the establishment of a review process to evaluate the suitability of this use or a given work of art and its proposed location.

Schweitzer stated we would have an Art Commission that would have the responsibility to review and decide upon proposals for public art display venues where it is on private property but viewable from the public ROW. If someone want to put it in their rear yard it would not be subject to this review. There was a lot of conversation as to who would make that decision and staff recommended that the Art Commission make the decision and the Planning Commission serve as the appeal body.

RECOMMENDED ORDINANCE AMENDMENT LANGUAGE:

Amend Section 2.02.A of the Zoning Ordinance to include and define the terms:

ART GALLERY: A room, building or other enclosed space within which art is displayed.

ART DISPLAY VENUE: Private use of an outdoor space, area or setting, visible from the public right-of-way, intended for the display of art

ART, PUBLIC: Publicly-owned art and memorials, artistic enhancement of public infrastructure, temporary art exhibitions or displays on public property

Amend Section 3.16.A. Permitted Accessory Uses to include subsection 12. “Art Venue Display subject to Art Commission approval”

Amend Section 3.16.C Requirements for Accessory Uses to include subsection 9. “The Art Commission may allow front, side or rear yard area art venue display placement.”

Amend Section 13.08 REVIEW STANDARDS to be Section 13.09 REVIEW STANDARDS

Rename Section 13.08 to ART DISPLAY VENUE to read in full as follows:

Section 13.08 ART DISPLAY VENUE

A. Review Authority

Upon receipt of art display venue proposals, the Community Development Director will submit applications to the Arts Commission (AC).

1. Arts Commission (AC) which shall be composed of five members, who shall be appointed and serve at the pleasure of the City Commission. The AC shall be composed of:

- a. The Community Development Director or designee;
- b. An at large member of the City Commission; and
- c. 3 private citizens who live and/or work in the City.

2. Either as part of the AC review or in separate communications, any City staff or other consultant that the Community Development Director deems is advisable may be asked to consult with the AC with respect to a specific art display venue proposal.

B. Review Standards for Art Display Venues

For proposals to utilize an art display venue viewable from a public right-of-way, the AC and any consultants shall consider the following in its review and determination:

1. The suitability of the proposed art display venue based on the following:
 - a. Compatibility with the character and architectural style of the building and building façade. For example, an art display venue may not be appropriate on:
 - i. Building facades with a substantial number of windows.
 - ii. Ornate building facades
 - iii. Facades made of shingles, shakes or other materials that create a non-stable surface. Art display venues on brick facades may be permitted.
 - b. Compatibility with the character of the surrounding area, including without limitation consideration of whether art display has historically existed or occurred in the area.
 - c. Effect on safety. The art display venue shall not create optical illusions or visual distortions that would represent a distraction for motorists or obstruct clear vision for motorists, pedestrians and/or non-motorized users.
 - d. Does not include imagery or language that describes or depicts, in a manner patently offensive as measured by contemporary community standards, sexually or excretory activities or organs (which include the female breast) or similar matters.
 - e. Complies with any permitted conditions imposed as part of site plan approval by the Staff Review Team.
2. As a condition of the permit, the property owner shall agree to coat art associated with the art display venue with protective anti-graffiti coating, and to reapply such coating at least every 5 years.
3. Details about maintenance, repainting or replacing the art associated with the art display venue as weather conditions and aging affect its appearance.
4. As a condition of the permit, the property owner shall agree in writing to remove the art display venue if it is not maintained so as to result in visual or structural deterioration or is otherwise in a state of disrepair.

C. Right of Appeal

Any person aggrieved by a decision of the AC may appeal to the Planning Commission.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (8-0) –

The Commissioners were ok with the process and language.

Motion by Benoit, supported by Fox, to recommend to the City Commission amendment of the Zoning Ordinance to: Define the terms art gallery, art display venue, and public art; specify Art Display Venue as a permitted accessory use subject to Art Commission approval; Art Commission may allow front, side or rear yard area art venue display placement; establish an Art Commission; Specify Review Standards for Art Display Venues; and specify the Right of Appeal.

- Motion Carried (8-0) –

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 reviews one for the special land use open air business and another for expanding the building for additional space for minor vehicle repair.

Pung stated 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.

Pung stated they will have to secure several variances in order to retain the existing building façade along with the existing signage. They are also looking at putting in a sidewalk from the public sidewalk to the front of the building.

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

Pung stated the applicant has submitted an operations statement and staff is in the process of reviewing.

Pung stated he is recommending approval as stated in his memos.

Justin Longstreth with Moore and Bruggink, 200 Monroe Ave NW Grand Rapids MI 49505 was present. He stated on the updated plan they addressed as many of staffs comments as they could as far as bringing the landscaping up towards the building, added some landscape trees along Division Avenue frontage, revisited the parking calculation and adding some spaces short of all the variances they are looking for with regards to the Form Based Code.

Jones opened the public hearing.

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

- Motion Carried (8-0) –

Kape stated he is concerned with all the waivers because of our Form Based Code. Pemberton stated this has been a business for 30 plus years and now we are making him jump through all kinds of hoops. He stated he was hoping we could do something to grandfather in where he wouldn't have to go through all of this, this is overwhelming. Golder stated it is because of Form Based Code and the amount of the expansion that is requiring all of the grades. She stated one way to go would be to amend the ordinance. Discussion ensued. Benoit stated we knew this was coming when we adopted the Form Based Code, we can't blame anyone but ourselves. VanderHoff stated this is something we should have foreseen and would like to do something to make this easier. Golder stated she doesn't think this will come up too often. Jones stated he doesn't like all the waivers because of all the hard work that was put into the Form Based Code. Jones stated it's a struggle to have someone who was well aware of what Form Based Code meant to come in and seek waiver. However, she doesn't have a problem with them having to get waivers. Jones stated Form Based Code process was well publicized. We had public hearings and people who operated businesses along that stretch should have been well aware of what the changes were going to be. Jones stated she doesn't have a problem with the applicant experiencing the inconvenience.

Motion by Holtrop, supported by Benoit, to grant conditional approval of the Special Land Uses Minor Vehicle Repair and Open Air Business as described in Case 35-17. The approval is conditioned on conditions 1-4 and basis points 1-5 as described in Pung's memo dated December 7, 2017.

- Motion Carried (7-0) –
- Pemberton abstaining -

Motion by Holtrop, supported by to grant conditional approval of the site plan dated December 5, 2017 as described in Case 35-17. Approval is conditioned on conditions 1-9 and basis points 1-6 as described in Pungs memo dated December 7, 2017.

- Motion Carried (6-1) –

- Pemberton abstaining –
- Kape opposed -

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;

Golder stated she is requesting tabling the request. She stated at the work session there was discussion about the driveway being too wide they have now narrowed it down to 40 feet which is acceptable. She stated the concrete rolled curb 4 inch island was moved back into the site. She stated they reduced the size of the entrance directional signs that were initially proposed to be 32 square feet are now 4.9 square feet. She stated we can reduce it down further so there isn't much directional signage. She stated we still don't have anything from Lacks whether or not they will allow the applicant to access through their existing driveway. She stated the truck movement is very tight. She stated one of the issues she had was that there was a 24 foot offset along the driveway on the north portion of the site. She stated with this project they need variances and waivers from the standard that were adopted for the PUD. She stated as long as we were asking she thought maybe we could move the building towards the sideyard area. In the C2 zone we allow for a zero lot line on the side yard. Golder stated she is looking for solutions and would like a traffic study done to see if there are any issues with left turn lock ups on 52nd Street.

Al Chiconas, 930 Lincoln Highway Dire, IN was present. He stated timeline is important to them and they have a due diligence that ends at the end of January. Mandy Gauss was also present she stated signage was an issue at the work session. They removed two canopy signs that were on the CFL canopy and they also reduced the canopy signage. She stated the five signs that were directional they reduced to the 5 square feet. She stated all of their directional signs are just under 5 square feet.

Gauss stated they did reach out to Lacks again and they will not allow the connection. Lacks said that it will not benefit them. They do not want an easement on their property either and are not willing to work with Speedway on that.

VanderHoff questioned the number of pumps they will have in the diesel commercial area. Gauss stated there are two commercial fueling lanes. They reduced it to two because 3 was too much. They feel two the way the site is laid out does flow efficiently and does allow the trucks to move. VanderHoff questioned if they even need the island. Gauss stated they originally didn't have it, but engineering required them to add it because of the width of the drive was too wide and they wanted the traffic to be more channelized. Discussion ensued regarding the diesel lanes. VanderHoff questioned the number of gasoline pumps. Gauss stated they have a total of 8 dispensers which would be 16 fueling positions. VanderHoff suggested they cut back one of the pumps if they would free up some room. Gauss stated if they did that the problem would be that would offset the drive more and customers are always waiting to fuel.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (8-0) –

Pemberton stated the site is busy and it is going to be tight. He stated the loading zone bothers him a bit and they are requiring them to maneuver their way through traffic at the pumps with their two wheel dolly's full of stuff to get to the front door about 200 feet away. He doesn't see this working. He sees it as a safety hazard that the applicant should rethink.

Holtrop stated he also has concerns in terms of traffic and loading zones. Holtrop stated there is also too much signage for him and suggested they minimize the number of signage. Holtrop stated the operation of the truck movement looks really tight too. Benoit stated he agrees with the commissioners but staff is recommending tabling. Gauss stated before they were proposing 178 square feet of signage for the canopy and wall signage together, now, they are at 156.75 for directional signage they had 175 square feet now they are at 40 square feet.

Golder and Fox made suggestions with pushing the building back. Gauss stated they will look into that. Fox questioned where they will put snow. Gauss stated around the front and the perimeter and if they do have to they will haul it off if it becomes an issue. Fox stated the signage is a lot but he feels it is better safe than sorry as it relates to truckers.

Jones questioned if they had concerns of the island that will be rolled over multiple times per day. Gauss stated it is designed to be a mountable curb it has a lip so it goes up and over smoothly and it is designed to handle the heavy load traffic

Motion by Benoit, supported by Holtrop, to table action until January 9, 2017 of the request for Special and use for a gas station expansion and Major Change to an approved CPUD site plan for Speedway as described in Case No. 33-17.

- Motion Carried (8-0) –

I. Work Session

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

Golder introduced the request. She stated the applicant is requesting approval of three 24 unit condominium buildings on 5.78 acres of land. Each condo flat building is 3 stories in height. She stated in addition the applicant is proposing 6 site condominium units on .78

acres of land function to the west. Each lot is approximately 5,250 in area Golder stated this is consistent with the overall preliminary site plan.

Rob Lamer with Excel Engineering was present. He stated they are adding the Central Village Phase II because the homes are selling. He stated the utilities are all in except for the alley and access to the alley.

The commissioners were ok with the request. VanderHoff questioned if there will be any rentals. Lamer stated there will be no rentals. Benoit stated it looks like an apartment. The commissioners were ok with the request now that there are no rentals.

J. New Business

There was no New Business

K. Other Business

1. Master Plan Discussion

Pung discussed the sustainability that was put in the Master Plan.

Chapter 3: Development of Issues and Supporting Policies

Sustainability

Sustainability means different things to different people and communities. In general, sustainable communities are communities that are planned, built or modified in order to promote sustainable living and tend to focus on environmental and economic sustainability, sustainable urban infrastructure, social equity, and municipal government.

Key Issues:

- Sustainability has become an important aspect of communities that are successful and vibrant. People want their communities to be economically and environmentally sustainable. Sustainability will pay off in the future by reducing waste, saving money, and attracting new residents to the community.
- The city currently has no specific policies in place that address the future sustainability of the city.
- The city must address issues that will affect its sustainability in the future. Some of the issues are environmental, such as the ability to maintain green space, the issues relating to the loss of ash trees within the community, and the benefit of connecting open space. Other sustainability issues include job growth and retention, maintenance of city facilities, availability of public transportation, etc. ~~the job and revenue loss created by the decline of manufacturing and the aging of commercial areas.~~ The city through its land

use policy can also address the efficient use of renewable resources, and promote healthier living for Kentwood residents.

- Addressing sustainability issues in areas such as green infrastructure and economic development is a requirement to qualifying as a “Redevelopment Ready Community” under the state-wide certification program through the Michigan Economic Development Corporation.
- ~~The West Michigan Strategic Alliance has identified several Environmental Integrity Factors that are indicators that a region will attract people and businesses in the years to come. These environmental factors include commute time which is something that can be affected by the city’s master plan by allowing more mixed use development and by offering alternate methods of transportation beyond automobiles. The Strategic Alliance report “2010 West Michigan Vital Signs” details the Environmental Integrity Factors noted above and can be found at www.wm-alliance.org.~~

(The Strategic Alliance report is no longer accessible)

Action Items:

- The city should create a sustainability policy that details how the city will become more sustainable with respect to land use decisions and the environment. In addition, the city's sustainability policy will include ways that the city can become more economically sustainable. Part of this discussion will include ways to retrofit suburban areas to ensure their sustainability as places that people will want to continue to live.
- Review and update the city's zoning regulations to encourage the use of renewable resources.
- ~~The development of a Non-Motorized Facilities Plan should emphasize recreational and health benefits as well as pedestrian and non-motorized connection to work, school, shopping, and municipal buildings.~~
(non-motorized plan was adopted this year)
The specific tasks need to accomplish this policy are outlined in the Sustainability Principle of Chapter 4

2. Commissioners' Comments

Holtrop stated there was a LUZ meeting involving a developer who has an option on Breton Extended and he wanted to talk about density. The whole area from 52nd to 60th is supposed to be low density. He purchased 62 acres the intent to develop with 300 housing units. The committee suggested he go back and figure out exactly how much of the 62 acres would count for the calculation.

3. Staff's Comments

Staff offered no additional comments.

L. Adjournment

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

- Motion Carried (8-0) -

Meeting adjourned at 9:15p.m.

Respectfully submitted,

Ed Kape, Secretary