

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
MAY 8, 2018, 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 Benoit.
- C. Roll Call:
Members Present: Bill Benoit, Garrett Fox (arrived late), Dan Holtrop, Sandra Jones, Monica Sparks and Frank Vander Hoff
Members Absent: Ed Kape, Mike Pemberton (with notification)
Others Present: Community Development Director Terry Schweitzer, Senior Planner Joe Pung, Planning Assistant Monique Collier and the applicants

Motion by Holtrop, supported by VanderHoff, to excuse Garrett Fox, Ed Kape and Mike Pemberton from the meeting.

- Motion Carried (5-0)
- Fox, Kape and Pemberton absent -

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner VanderHoff, to approve the Minutes of April 24, 2018 and the Findings of Fact for: Case#16-18 - Double Barrel Partners – Commercial Enterprise Producing Merchandise on the premise Special Land Use Located at 2885 Lake Eastbrook Blvd.

- Motion Carried (5-0) –
- Fox, Kape and Pemberton absent -

- E. Approval of the Agenda

Motion by Commissioner Holtrop, supported by Commissioner VanderHoff, to approve the agenda for the May 8, 2018 meeting.

- Motion Carried (5-0) –
- Fox, Kape and Pemberton absent -

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

There was no public comment.

- G. Old Business

There was no Old Business

Case#7-18 - 5400 & 5432 Division Avenue Rezoning – Conditional Rezoning of approximately 1.2 acres of land (5400 S. Division) and 56,500 square feet of land (5432 S. Division) from Corridor General to Corridor Edge – Located at 5400 & 5432 South Division Ave SE (**Tabled Public Hearing Until May 8, 2018**)

Schweitzer stated the request is to rezone the properties from the Form Based Code Corridor General Context Zone to the Form Based Code Corridor Edge Context Zone. He stated a New Beginnings Restaurant is currently operating at 5400 Division (“5400”); and 5432 Division is currently a parking lot with an illegal freestanding sign. Schweitzer stated under the Corridor General zoning any new building constructed on 5432 would be required to be set back 20'-0" from the property line, cutting off the cross access easement from use by 5400. He stated if the property is rezoned to Corridor Edge the cross access easement could be maintained (although reduced to 50' in width).

Schweitzer stated under the current Form Based Code Corridor General Context Zone, any new building is required to be placed at the lot line in the front yard. However, both parcels also have a 20' utility easement running along the Division Avenue right of way, requiring any building to be set back 20' from the right of way. He stated an 80' cross access easement exists along 5432 Division Avenue, allowing the 5400 Division Avenue parcel access to the curb cut onto Division Avenue. The applicant cannot place a building within the cross access easement without getting the adjacent property owner's permission. The developer of 5432 also does not want to eliminate cross access along the front of his parcel near Division Avenue.

Schweitzer stated in 1980 the easement was created and it involved 5 properties. The access easement was to allow for each one of the 5 properties to get out to the driveway on to Division Avenue. At that time in 1980 the minimum building setback was 35 feet, the New Beginnings was setback further than 81 feet. He stated a lot of changes have taken place but what has remained is the easement and it has become an issue as far as their ability to abide by in terms of placing a building on that property. They want to go to Corridor Edge to allow for the building to get a closer and they would pledge to amend the easement. Schweitzer stated but as it turns out, it may be a case where there may be a couple other property interests that are also going to have to be agreeable to that change as well. He stated in the long term when redevelopment takes place they are going to need some cross access easement relief to make it possible to place a building in conformance with our zoning code and in order to do that it will require some amendment to the easement.

Schweitzer stated Mike Houseman is the representative has been trying to locate the other interested parties in order to amend the easement and move forward with the rezoning. He has made progress the only questionable part is whether or not O'Reilley's has a need to participate in amending the easement. Schweitzer stated from a staff prospective we support the conditional rezoning. He stated as this moves from the planning commission

and goes to the City Commission for formal legislative action we will get it pinned down as far as whether or not O'reillys needs to be a party to this. He stated if they do then it will be contingent upon them also consenting. If not it will appear that they have lined up enough support from the other properties in that group to move forward on the application.

Mike Houseman was present. He stated it took him awhile to track down the parties. He stated they support the Form Based Code. He stated when it was zoned to Corridor General it required all the buildings be within and have a 20 foot setback and block the easement. He stated it made it very difficult to develop by going back to corridor general. He stated they would still able to develop the property and everybody can enjoy the property and be within the Form Based Code Corridor Edge. He stated as far as Oreilley's that parcel was sold to whoever owns the building by Family D Trust. He stated they are being told that they were given cross access easement but the control of the easement is still with Family D. However, they can alter the easement but they can't take it away without permission from O'reilly's.

VanderHoff questioned what he plans on doing with the corner once he gets the rezoning. Houseman stated New Beginnings wants to rezone to Corridor General but he is going to maintain the way he is. He stated they have been trying to finds ways to develop a quick serve restaurant. He stated they really want to be there because of the Silverline and the bus depot and they want the walkable community. Housemen stated he met with New Beginnings and they have gone over the plans and he is very supportive. He thinks it is good for his business to be bought to Corridor Edge.

Jones opened the public hearing.

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

- Motion Carried (6-0) –
- Pemberton and Kape absent –

VanderHoff stated he is in favor he sees no reason not to rezone he thinks it will be an improvement. He stated to get one of the buildings up that meets the Form Based Code it will be a nice addition to the area.

Fox questioned if the rezoning were not granted would the easement need to move to the rear of New Beginnings. Houseman stated at this point without everybody participating the easement can't move. They have to maintain that access to everybody that has use of it. He stated what it would do is not allow this project to go forward or any project that is required under the Form Based Corridor Edge.

Motion by Benoit, supported by Holtrop, to recommend to the City Commission approval of the request to conditionally rezone 2.73 acres of property at 5400 and

5432 Division Avenue from Corridor General Form Based Code to Corridor Edge Form Based Code as described in Case # 7-18.

- Motion Carried (6-0) –
- Pemberton and Kape absent -

Case#17-18 – 1 Dream Apartments - Final Site Plan Review of a 12 unit Apartment Building Located at 692-44th Street

Pung stated the applicant wishes to construct a new apartment building. The building would consist of twelve (12) 2-bedroom townhouse apartments. East unit would have two floors above grade and a basement; finished living area on the first and second floors would total approximately 812 square feet (minimum required by ordinance is 780 square feet).

Pung stated the existing apartment building was constructed in 1969. The site has frontage on both 44th Street and Potter Avenue. There are existing trees along the Potter Avenue frontage and along the east side of the property.

Pung stated prior to the reconstruction of 44th Street to a boulevard in 2005/06, the site had a single full service drive onto 44th Street. With the reconstruction of 44th Street, a truck turnaround was located where the original drive access to the site had been located and the single drive was replaced with two new access drives (one on either side of the truck turnaround).

Pung stated with respect to the issue at the work session regarding the dumpsters, they have now added two dumpster enclosures. Originally there was only one they have added another one to service the existing building and made sure that was enclosed.

Another issue was parking. The current site plan shows the six spaces removed but a letter was received from the applicant's representative and they wish to retain those six parking spaces.

Pung stated they added a side walk connection between the two buildings without going out into the parking or drive aisles.

Pung stated when they come in for the building permit we will be requiring a final landscaping plan and also making sure it meets the ordinance requirement regarding the screening and buffering.

Pung stated he is recommending conditional approval as stated in his memo.

John Denhartigh, the owner was present. He stated the traffic situation was from about 10 years ago. He stated it is hard for him to give up 6 parking spaces it has been functioning well and have had no problems. He stated he has spent a lot of time on the site, as far as

the traffic there hasn't been any problems with people driving and backing out there. He stated he can't agree what is in the planning recommendation to eliminate the 6 parking spaces.

Jones opened the public hearing.

Max Scholz, 8464 Belkwood Byron Center MI. He stated he wrote a letter regarding the parking issue. He stated the issue is backing over a sidewalk and everybody who has a garage and a driveway backs over a sidewalk to get out.

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

- Motion Carried (6-0) –
- Pemberton and Kape absent –

Sparks stated she has been to the site and looked at the parking spots and she agrees there isn't any problem with the people back in and backing out. She doesn't think we should make him give up his parking spots.

Benoit stated he agrees 100% we do not need him to give up his parking spots. If this were a new building and being designed he would say no, but this was caused by the widening of the road by the road commission and that is what caused the problem. He stated to have people walk further away from their doors to get into their apartments doesn't make any sense. Benoit stated he is not keen on more apartments in Kentwood but this is zoned for it and the property owner purchased the property with that understanding, therefore he has no problem with the request.

Holtrop concurred and questioned if they would need to modify the site plan. Pung stated when they approve the request indicate they can add a provision to retain the 6 parking spaces that were removed.

Fox questioned the number of vehicles the carport will be set up for. DenHardick stated it is set up for 14 vehicles.

VanderHoff concurred and with the retention of the 6 parking spots.

Jones stated since this is zoned for apartments she will have to recommend to approve, but she doesn't like the idea for additional apartments.

Motion by Holtrop, supported by Fox, to recommend conditional approval of the site plan dated May 2, 2018 as described in Case 17-18. Modify to include the retention of the existing 6 parking spaces. Approval is conditioned on conditions 1-4 and basis points 1-4 as described in Pung's memo dated May 2018.

- Motion Carried (6-0) –

- Kape and Pemberton absent -

I. Work Session

Case#18-18 Bethany Christian Services – Rezoning of 0.586 Acres of Land from C-2 Commercial to R-2 Two Family Residential Located at 930 52nd Street

Schweitzer stated the request is to rezone .586 acres of land at 930 52nd Street from C-2 to R-2 Two Family Residential (Conditional Rezoning). Bethany has an interest in this area. They plan to locate their offices in the office area to the south and east which is a permitted use. However the property in question along the 52nd Street frontage is currently zoned C-2. What Bethany would like to do is to develop Child Caring Institution on this property and that is not a use provision allowed under the C-2 Community Commercial. It is an allowable use under R2 single and two family. They would like to rezone to the R2 but a conditional zoning so that it would restrict it to a Child Caring Institution Use or Group Foster Care Group Facility.

Schweitzer stated they have provided information on how they would locate a building on the vacant property. They wish to secure their zoning on the property then come back at a later date to seek for the special land use review for the use itself.

Schweitzer stated at the meeting there was discussion how to provide fire lane coverage There has been good communication between the fire department and the applicant.

Schweitzer stated from a planning perspective Master Plan calls for mixed use. He stated in that respect an allowance for a residential use in that area was contemplated.

Dana Henderson, 1050 36th Street SE Suite 400, was present. She stated Bethany has been in the community serving children for over 40 years. She stated their mission is to meet the needs of the community and children however they come to them. She stated they have a need to build this facility. She stated it will be a transitional assessment center serving 18 boys between the ages of 14-18. She stated what is unique about the program is that it is very short term. She stated the children are only in care for about 3-8 weeks. She stated their job is to locate their parents and assess them and provide services to the family and get them back home as quickly as possible. She stated the children do not enter into the public schools and they do not go offsite unaccompanied. She stated it is not a locked facility but they are supervised every moment they are in their care.

VanderHoff stated he thinks this is a good program and thinks that they do great work in the community and he is in favor of the request.

Fox questioned where the boys are from that are in this program. Henderson stated they typically are not local they come to them from anywhere in the country. They have a contract with the Office of Refugee Resettlement. Fox questioned the amount of staff. Henderson stated depending on how many kids are in care the ratio is from 1-6 therefore they have anywhere from 10-15 staff.

Holtrop questioned with the conditional rezoning if Bethany no longer occupies the property what else can be done. Schweitzer stated the way Bethany has presented their request it is basically for a child care institute or foster care. Schweitzer stated under conditional rezoning the City decides whether to approve or deny. If it is approved there is a development agreement entered into between the applicant and the City consistent with the terms of the conditional rezoning. Should the property change hands in the future and somebody wants to do something other than the two uses they could come back to the City and ask to amend the agreement. Discussion ensued. Benoit stated he had the same concerns.

Sparks stated she doesn't like the way Bethany has worded and presented the information. She feels like we have been misguided. She stated although Bethany has done a good job in the community she feels they aren't being transparent. Henderson stated they typically work with children who find themselves on U.S. soil without a parent or guardian. She stated they are then taken into care by the federal government and then sent to Bethany. She stated their job is to find out where they belong. She stated they have been operating this program for about 5 years. She stated 97% of the students they have served get reunified with parents around the country, 3% get referred to Bethany's long term programs. Discussion ensued. Sparks questioned the amount of food they get delivered. Henderson stated she believes they deliver all the meals but she could check to see how many are delivered and how many are served onsite. Sparks stated she would like to see her put sponsors in the narrative as opposed to solely reunification with family.

Jones stated that was her main concern, reunification.

Holtrop suggested she bring in actual statistics of their existing programs to the public hearing.

Case#19-18 – Clark at Keller Lake – Independent Living- Final Site Plan Review for the conversion of the maintenance building located at 2451 Forest Hill Ave

Schweitzer stated the current maintenance building for the Clark at Keller Lake campus is located on the north side of Somerset Pointe Drive just south of the Arbor Gate subdivision. Clark proposes to renovate the building into a temporary Marketing and Sales office. The sales office will then move into the first building in the next phase of development when it is completed in the summer of 2020.

The proposed conversion of the maintenance building to a sales office and subsequently an art studio with a small gathering space are permitted accessory uses.

The current access to the maintenance building consists of paved driveway off a paved emergency access interconnection with the Glen Oaks Apartments to the northwest and a short driveway directly onto Somerset Pointe Drive. Paved parking to accommodate up to 6 vehicles will be added on the west side of the building.

To accommodate the change in use the applicant will bring public water, sanitary sewer and natural gas into the building. These utility connections should involve minimal disturbance to the existing vegetation.

The existing building is equipped with a wall pack light on the south elevation and another light fixture on the west elevation. The applicant has provided no indication of plans to alter the current site lighting proximate to the building.
The applicant will be providing proposed elevations for the building exterior.

Brian Pangle was present. He stated to sell the independent living apartments and accommodations to residents going forward they need to have an expanded sales office to allow them to display what the apartments would look like. He stated they want to use the existing facility and make it look a lot nicer than what the neighbors are looking at today. They intend to use it for sales for the next 15-18 months. When they are finished with the use as a sales office they would convert it to a resident use facility for art and woodworking. He stated residents and older adults would really like to have something like this on the campus.

VanderHoff, and Fox stated it looks like a nice enhancement of the property.

Holtrop stated visually it is an improvement. He questioned the hours on woodworking and art once that gets started. Pangle started with older adults it wouldn't be too late. Holtrop stated it would be a very nice gathering place and could extend some noise to the neighbors. Pangle stated they will let neighbors hold family gatherings. He stated as far as hours, things settle down around 7pm in the winter and a little longer in the summer.

Benoit stated there isn't a lot of parking to have too big of parties but it is good for the neighbors to know.

Sparks stated she likes the way it looks

Jones stated she is sensitive to language that is age biased. She stated she is ok with the project.

J. New Business

Motion by Holtrop, supported by Benoit, to set a public hearing date of June 12, 2018 for: Case#20-18 – Good Stuff Fireworks Tent Sale – Special Land Use and Site Plan Review for an Open Air Business located at 3170 28th Street SE Case#21-18 – The Fields of Breton - Preliminary Plat Located at 5955 Wing Ave

- Motion Carried (6-0) –
- Kape and Pemberton absent -

K. Other Business

1. Commissioners' Comments
 2. Staff's Comments
- Staff offered no additional comments.

L. Adjournment

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

- Motion Carried (6-0) –
- Kape and Pemberton absent -

Meeting adjourned at 9:05p.m,

Respectfully submitted,

Ed Kape, Secretary