

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
FEBRUARY 13, 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 Pemberton.
- C. Roll Call:
Members Present: Bill Benoit, Dan Holtrop, Sandra Jones, Mike Pemberton, Monica Sparks,
Members Absent: Garrett Fox, Ed Kape, Frank Vander Hoff, and Johngerlyn Young
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 Holtrop, supported by Pemberton, to excuse Fox, Kape, VanderHoff, and Young from the meeting.

- Motion Carried (5-0) –
- Fox, Kape, VanderHoff, Young absent -

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Benoit, supported by Commissioner Pemberton, to approve the Minutes of January 23, 2018 and the Findings of Fact for: Case #2-18 – Grand West Auto - Special Land Use Indoor Vehicles Sales in an Industrial Zone and Site Plan Review Located at 4101 40th Street SE Suite 7; Case #3-18 – Quist Trust Rezone – Rezoning of 1.89 acres of Land from R1-C Single Family Residential to C4 Office Located at 3923 Burton St. SE; Case #4-18 – Clark at Keller Lake Independent Living – Major Change and Preliminary Site Plan Review of a PUD Phase Located at 2451 Forest Hill Ave; Case#5-18 – Fox Ford Honda Service Building – Special Land Use and Site Plan Review for a Major Vehicle Repair Establishment Located at 3060 Broadmoor Ave SE

- Motion Carried (5-0) –
- Fox, Kape, VanderHoff, Young absent

- E. Approval of the Agenda

Golder stated we will not set a public hearing date for Super Green Market until the February 27, 2018 meeting.

Motion by Commissioner Holtrop, supported by Commissioner Sparks, to approve the agenda for the February 13, 2017 meeting with change noted.

- Motion Carried (5-0) –
- Fox Kape, VanderHoff, Young absent -

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

There was no public hearing.

G. Old Business

There was no Old Business

H. Public Hearing

There were no public hearings.

I. Work Session

Case#6-18 – Zoning Ordinance Text Amendments – Commercial and Industrial Façade Requirements, Form Based Code Modifications and Zoning Board of Appeals Non-Use Review Standards

Pung introduced the ordinance amendment to amend the amount and types of permitted exterior building materials. He stated we have had several appeals to the planning commission regarding industrial façade materials and several went to the zoning board of appeals. Pung stated staff reviewed the types of material that are now more commonly used. Pung stated we added glass for metal composite material panels. For industrial building there have been a lot of request for metal composite material panels. Those have been treated as siding that has been limited to 50% in the industrial district and 25% in all the other districts. Pung stated we now propose a separate category for metal composite material panels since it is a step well above what you would consider normal siding, staff proposes up to a 75% allowance for metal composite material as exterior building façade material.

Benoit stated we are going to continue to be chasing our tails because materials will always be changing rapidly. He stated we should consider saying what we don't like and don't put it anywhere. He feels we are otherwise stymieing architecture and creativity. He stated he knows this is the way that this has always been done but he questioned whether this is the path we should continue to go. He stated we should look at not restricting it so much. Benoit stated a lot of communities have gotten away from regulating finishing material. Golder stated then we will be making a judgment call of what looks good and what doesn't, then it will have to go to the Arts Commission. Benoit stated he has no problem with what staff is doing he was just thinking maybe the industry should decide. Nobody wants to build an ugly building but he is ok either way.

The other commissioners were ok with the changes.

Golder introduced the zoning ordinance text amendment regarding Form based Code. The changes proposed are in response to the Planning Commission's concern that there are too many requirements that are triggered with minor expansions to existing buildings in the FBC area. The proposed changes would come into play only when expansions are planned in the front yard, or when an expansion doubles the square footage of a building on a property.

Golder stated in the Form Based Code Ordinance, the most important façade elevation is the façade elevation that faces the public street. The regulations assures that any expansion that faces the public street has to be in compliance with the new regulations.

Golder stated the proposed revisions allow for non-conforming signs to remain. Since the Form Based Code ordinance does not make provision for pole signs, most businesses that wish to expand would have to remove their pole sign in favor of no sign or a monument sign. If the signs are removed, however, full compliance with the sign provisions of the ordinance are required.

The commissioners were okay with the changes

Schweitzer discussed zoning ordinance amendments pertaining to zoning board of appeals non-use review standards. Schweitzer stated during the course of the June 19, 2017 Zoning Board of Appeals training session conducted by City Attorney Jeff Sluggett the question was posed whether the review standards for nonuse variances could be amended to be made clearer. The Board felt the current standards were difficult for the applicants and board to understand as well as difficult for the board to evaluate. Mr. Sluggett indicated the city had the authority to amend the standards. In the past several months, City Attorney Sluggett and Senior Planner Joe Pung assembled examples of zoning variance review standards utilized by other Michigan and national communities. In addition, Zoning Board Members Houtman and Lenger offered suggested changes to our current standards.

Prospective Changes

Section 21.04

B. Nonuse variance. **Before submitting an application for a nonuse variance the applicant must meet with City staff and review the current zoning provisions to determine whether their desired goal could otherwise be achieved.** A nonuse variance may be allowed by the Zoning Board of Appeals only in cases where **the applicant demonstrates through competent, material and substantial evidence on the record that all of the following exist:** ~~there is evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:~~

1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include by way of example:
 - a. Exceptional narrowness, shallowness or shape of the property on the effective date of this ordinance; or
 - b. Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure;~~or~~

- c. ~~By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this ordinance would involve practical difficulties.~~
2. ~~The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for these conditions or situations.~~ **The condition or situation on which the requested variance is based does not occur often enough to make more practical adoption of a new zoning provision.**
3. ~~The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.~~ **The literal application of the provisions of the Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone district.**
4. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
5. Taken as a whole, the variance will not impair the intent and purpose of the **Zoning** Ordinance.
6. ~~The immediate practical difficulty causing the need for the variance request was not created by the applicant.~~ **The exceptional conditions or circumstances do not result from the actions of the applicant. Thus, by way of example, the exceptional circumstances result from uses or development on an adjacent property or the exceptional shape of the property is the result of an unrelated predecessor's split of the parcel.**

The commissioners were okay with the changes.

J. New Business

Motion by Holtrop, supported by Pemberton, to Set a public hearing date of March 13, 2018, for: 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 Form Based Code Corridor General to Form Based Code Corridor Edge – Located at 5400 & 5432 South Division Ave SE;

- Motion Carried (5-0) –
- Fox Kape, VanderHoff, Young absent

K. Other Business

1. Appeal of Zoning Administrator Façade Determination

Pung stated the applicant is proposing to construct a 22,500 square foot addition on the existing 45,000 square feet building at 4849 Barden Court. The proposed material breakdown for the south façade and the first 20 percent of the west façade for the addition is as follows Brick and Block 39.5% ; Metal Siding 60.5%. Pung stated the current ordinance limits standing seam metal siding to 25%. The applicant wishes to keep it and match the existing building. The existing building was constructed prior to the current requirements.

Steve Akram with Wolverine Building Group, 1038 San Jose Dr East Grand Rapids MI was present. He stated the client moved into the building less than a year ago and he is

already in need of extra space. He stated what they are proposing to do is build out the required side yard of his property and match the façade along the front so that there is concealed metal panel on the upper portion and front split face block and then brick on the lower portion. He stated it matches the current proportions and it matches the current color of the concealed metal panels and block. He stated everything will be symmetrical and look exactly like it did before and if they were to meet the code it would look heavy on one end versus the other.

The commissioners were ok with the request and suggested they dress it up a bit with landscaping.

Motion by Holtrop, supported by Sparks, to grant the appeal for the façade provided supplemental landscaping is installed along the street frontage.

- Motion Carried (5-0) –
- Fox Kape, VanderHoff, Young absent

2. Master Plan Discussion

Schweitzer discussed the planning principles methodology from the 2012 Master plan and the draft update for 2018. He went on to highlight proposed updates to the Open Space and Greenway Network Planning Principle.

Jones noted on the last page the first and third check box relating to tree nursery seem to be in conflict with one another.

In response to Sparks inquiry Schweitzer noted that the document should reflect an intent to become a bike friendly community and that there would be continued focus on connecting pedestrians to transit and parks.

Jones stated she really appreciates all of the references to transportation and transit throughout.

Pung discussed the Place Strengthening Planning Principle. He stated Kentwood is considered a suburb of Grand Rapids. He stated the intent was to give Kentwood its own unique identity. Therefore the emphasis on Creating Gateways and marks of distinction.

Pung noted the farmers market and the efforts to continue to develop more events and support the BRT.

Jones stated there is a really good concept of farmland preservation that Kent County promotes.

Pung also reviewed Partnership and Organization Planning Principle

Kentwood will continue to work with other municipalities to coordinate planning and economic development in the region.

Golder discussed Sustainability Planning Principle highlighting the importance of Maintaining and improving the environment, sustainable development, resources/recycle, energy conservation; economic sustainability planning principle and creating a Healthy Community

Golder also discussed the Commercial Development She provided an overview of all that is happening. She stated she proposed to take out apartments and the market study, and the prospect of a DDA. She stated she thinks we should meet with housing developers regarding Division Avenue to see what barriers there are to putting residential there.

Schweitzer stated we will bring the Mobility Planning Principle back at another meeting,

Staff told the commissioners if they would like to include anything in the Master Plan to let staff know.

3. Commissioners' Comments

Pemberton stated he will be absent from the February 27 meeting.

4. Staff's Comments

Staff offered no additional comments.

L. Adjournment

Motion by Commissioner Holtrop, supported by Commissioner Sparks, to adjourn the meeting.

- Motion Carried (5-0) –
- Fox, Kape, VanderHoff, Young absent

Meeting adjourned at 9:15p.m.

Respectfully submitted,

Ed Kape, Secretary