

PROPOSED MINUTES OF THE REGULAR MEETING  
OF THE KENTWOOD PLANNING COMMISSION  
FEBRUARY 27, 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, Dan Holtrop, Sandra Jones, Ed Kape, Monica Sparks  
Members Absent: Mike Pemberton, 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 Kape, supported by Sparks, to excuse commissioners Pemberton, VanderHoff and Young from the meeting.**

- Motion Carried (6-0) -
- Pemberton, VanderHoff, and Young absent -

- D. Approval of the Minutes and Findings of Fact

**Motion by Commissioner Kape, supported by Commissioner Sparks, to approve the Minutes of February 13, 2018**

- Motion Carried (6-0) –
- Pemberton, VanderHoff and Young absent -

- E. Approval of the Agenda

Schweitzer added another item under New Business. **Case#11-18** – Zoning Ordinance Text Amendment – Animals and Gardening, Definition of Mechanical Work, Use provisions dealing with Commercial Enterprises Producing Merchandise on the Premises

**Motion by Commissioner Holtrop, supported by Commissioner Sparks, to approve the agenda for the February 27, 2018 meeting with change noted.**

- Motion Carried (6-0) –
- Pemberton, VanderHoff and Young absent -

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

There was no public comment.

- G. Old Business

There was no Old Business

H. Public Hearing

**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

Schweitzer stated at the work session staff covered the zoning ordinance text amendments pertaining to Commercial and Industrial Façade Requirements, Form Based Code Modifications and Zoning Board of Appeals Non-Use Review Standards. He stated staff can provide the commissioners with another introduction if they would like. Jones stated they were ok with the amendments and opened the public hearing.

There was no public comment

**Motion by Sparks, supported by Kape, to close the public hearing.**

- Motion Carried (6-0) –
- Pemberton, VanderHoff and Young absent -

The commissioners offered no additional comments and were ok with the request.

**Motion by Benoit, supported by Kape, to recommend to the City Commission to amend the Kentwood Zoning Ordinance No. 9-02, as amended; to recommend to City Commission that Section 23.02.01 Applicability of the Zoning Ordinance (Form Based Code) is amended in full; to recommend to the City Commission to amendment of the Zoning Ordinance to Revise the Zoning Board of Appeals Nonuse Review Standards as well as the Commercial and Industrial Façade Requirements.**

- Motion Carried (6-0) –
- Pemberton, VanderHoff and Young absent -

I. Work Session

**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;

Schweitzer introduced the request. He 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. 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 the representative of the owner Mike Housman, met with the LUZ committee in 2017 and discussed the concept. They have a prospect for a drive in restaurant and they would like to have an 80 foot setback but with the Form Based Code they have to make accommodations. They considered going to the zoning board of appeals but after talking to LUZ there was a recognition of the private easement as a restriction on the property that needs to be reconciled. Schweitzer stated the committee suggested if 5432 were going to seek corridor edge it would be desirable to include the property on the corner. Both property owners are a party to the conditional zoning request.

Schweitzer stated they also discussed putting a drive in restaurant on the property. There are a lot of requirements that come in to play not just the setback but how much of the frontage is occupied by building as well as requirements on the façade, signs and lighting. They want to see if the context of the rezoning is conditionally approved, then they recognize they have to come back for a special land use approval.

Mike Houseman was present. He stated he thinks the rezoning will make both properties usable.

Kape questioned if 50 feet would be enough room for two-way traffic. Schweitzer stated the minimum drive aisle for two-way traffic is 24 feet.

Holtrop questioned if he has any feel from the other 3 prospective owners. He stated they are going to have to abide by this conditional rezoning. Houseman stated they were hoping they can have the conditional rezoning for two properties because he doesn't represent them but he will approach them and also convince them to try to redo the easement. He stated he spoke to Schweitzer and he is more than happy to approach Big Lots and the other property owner because they will see the value of this under the new code. Holtrop stated the properties to the south would have to abide by a 50 or 20 foot setback so with the 80 foot easement they might as well change it all now but we can't condition their change on all 5 properties. Schweitzer stated he will review this with the City Attorney Jeff Sluggett. Holtrop questioned the property to the east and their parking easements. Schweitzer stated there are cross parking easements that come into play. Schweitzer stated he focused on the cross access but there are also the reciprocal parking agreements. Schweitzer noted however the detail of the agreement require the employees have to park on the property that they work at otherwise it is reciprocal parking for the patrons for all those businesses.

Benoit questioned the original rationale for Corridor General at this location. Schweitzer stated corridor general has more of an urban feel, corridor edge was allowed to add more of a transition to a suburban setting where you have the buildings further back. Golder stated corridor edge allows for the lower density housing like townhouses, where the corridor general does not. Benoit's concern was setting the tone for the neighbors, they going to have to rezone otherwise it is going to look goofy. Schweitzer stated we went with Corridor General to the north and south but as you got further away from the bus stop that's when we went to Corridor Edge. He stated we were anticipating that there may be some variance there. Discussion ensued.

Fox stated this makes sense. He doesn't know how many properties along Division Ave will have the issue with an easement at the front of the property. He stated it seems like a lot of the easements are in the back of the existing buildings. He doesn't see this being a recurrent issue.

J. New Business

**Motion by Holtrop, supported by Benoit, to set public hearing date of March 27, 2018, for: Case #8-18 – Super Green Market – Major Change to a PUD Plan Located at 3321 East Paris Ave SE; Case#9-18 – 5955 Wing Avenue Rezone - Rezoning 22 Acres of land from R1-B Single Family Residential to R1-C Single Family Residential Located at 5955 Wing Ave SE; Case#10-18 – DIS Transportation – Special Land Use and Site Plan Review for a Major Vehicle Repair Establishment Located at 3636 East Paris Avenue SE; Case#11-18 – Zoning Ordinance Text**

**Amendments – Animals and Gardening, Definition of Mechanical Work, Use provisions dealing with Commercial Enterprises Producing Merchandise on the Premises**

- Motion Carried (6-0) –
- Pemberton, VanderHoff and Young absent -

K. Other Business

1. Master Plan Discussion

Schweitzer discussed the Mobility Planning Principle including, Major Arterials, Primary Intersections, Non-Motorized Connections, Transit Services, Air Rail and Truck Transport

The commissioners thought the Principles and sub areas were good and offered no additional comments.

2. Commissioners' Comments

Kape congratulated Fox on the birth of his baby girl.

Sparks stated she appreciates all the hard work staff puts into these projects

3. Staff's Comments

Schweitzer stated Park and Recreation are updating their business plan.

Schweitzer stated the first meeting of the Arts Commission will be February 28.

L. Adjournment

**Motion by Commissioner Benoit, supported by Commissioner Sparks, to adjourn the meeting.**

- Motion Carried (6-0) –
- Pemberton, VanderHoff and Young absent -

Meeting adjourned at 8:35p.m.

Respectfully submitted,

Ed Kape, Secretary