

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
APRIL 25, 2023, 7:00 P.M.
COMMISSION CHAMBERS

- A. Vice-Chair Holtrop called the meeting to order at 7:00 p.m.
- B. The Pledge of Allegiance was led by Commissioner VanderMeer.
- C. Roll Call:
Members Present: Bill Benoit, Dan Holtrop, Sandra Jones, Ed Kape, Alex Porter, Ray Poyner, Darius Quinn, Doug VanderMeer, Sarah Weir
Members Absent: None
Others Present: Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Senior Planner Joe Pung, Planning Assistant Monique Collier
- D. Approval of the Minutes and Findings of Fact

Jones noted that she was not at the April 11 meeting and did not call the meeting to order.

Motion by Commissioner Kape, supported by Commissioner Holtrop, to approve the Minutes of April 11, 2023 and the Findings of Fact for: Case#9-23 – Self Storage- Rezoning of 3.46 acres of land from C-2 Commercial to I-1 Light Industrial located at 3119 Broadmoor Ave SE; Case#10-23 – City of Kentwood - Rezoning of 18.66 acres at 4775 Walma Avenue from C-4 Office to OS Open Space with change noted.

- Motion Carried (9-0) –

- E. Approval of the Agenda

Motion by Commissioner Kape, supported by Commissioner Quinn, to approve the agenda for the April 25, 2023, meeting.

- Motion Carried (9-0) –

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

There was no public comment.

- G. Old Business

- H. Public Hearing

There were no public hearings.

- I. Work Session

Case#11-23 Request by the City of Kentwood to amend the Animal Control and Form Based Code provisions of the Zoning Ordinance pertaining to building type size and massing, sign display, building type floor height, building type façade composition, building material and construction, and use allowances.

Schweitzer introduced the request.

Animal Control-

Prior to changes in 2022, Kent County Animal Control was an operation of the county health department. Following a review and study of other animal control operations within Michigan, Kent County moved animal control operations under the oversight of the Kent County Sheriff's Office and passed a new county-wide animal control ordinance. Under the Dog Law of 1919, Act 339 of 1919, counties can establish an animal control agency, and in turn, "[t]he animal control agency shall have jurisdiction to enforce this act in any city, village or township which does not have an animal control ordinance." Given the language of Act 339 of 1919, any municipality which has its own local animal control ordinance would prevent Kent County from enforcing the County animal control ordinance.

The city does not have to surrender completely its ability to regulate animals within its jurisdiction. As an example, the county ordinance is silent on loud animals creating a nuisance; this can be kept in place by moving loud animals to an alternative section of the City's current ordinance. Further, the city may still regulate certain aspects of the existing animal control ordinance through zoning and special land use permits. The city will take deliberate steps to ensure it has ordinance language in place where the county ordinance is silent.

It is the City's desire to allow Kent County Animal Control to continue the enforcement of dog bites, loose or stray animals, animal abuse/neglect, and things of this nature. They are better equipped for these types of enforcement actions and have the facilities to care for/hold animals in situations like this. Further, it is safe for our staff, mainly the police department, to defer to the County on many of these matters.

New Zoning Ordinance Animal Control provisions-

Kennels are currently allowed subject to special land use and site plan review in our Commercial Retail and Industrial zoned districts. Given the recommendation of the City Attorney's office to repeal the current city animal control ordinance it would be desirable to amend our kennel definition and the current Zoning Ordinance special land use site design standards relating to kennel licensing. Likewise, there are currently vicious animal provisions relating to indoor and outdoor confinement and required sign display that are recommended to be incorporated into the Zoning Ordinance.

The City Attorney also suggested that the city could consider adding portions of the current Animal Care Guidelines as part of a new special land use review in the commercial retail zone districts for businesses wishing to operate a "pet store".

Background:

Form Based Code-

In 2017 the Zoning Ordinance was amended to include a new Chapter 23 entitled Division Avenue Form Based Code. Form-Based Codes (FBC) represent a paradigm shift in the way that regulates the built environment. This shift was considered necessary because the conventional, use-based approach to zoning had been shown to be ineffective for regulating diverse, urban, mixed-use environments.

The City of Kentwood incorporated Form-Based Coding into the Zoning Ordinance seeking to achieve the vision, goals, and outcomes of the “Fisher Station Sub Area” and the Division Avenue Sub Area plan that were within the 2012 Kentwood Master Plan. The FBC is intended to encourage a compact, transit-oriented development pattern that promotes a diverse mix of uses and building types, transit-supportive density and uses, and walkability.

When the code was introduced over five years ago, we anticipated there would be a need to modify the regulations to fit the evolving context of the Division Avenue corridor as well as the one quarter mile stretch of 44th Street, east of Division Avenue. The first two amendments approved by the City Commission took place in 2018. The first change was in response to a concern that there were too many requirements (amount and location of parking, building height, lighting, landscaping, signage, use, and building placement, type, or façade) that were being triggered by minor expansions to existing buildings. The new regulation specified most of the requirements would come into play only when façade expansions were planned in the front yard, or when an expansion doubled the square footage of a building on a property. In addition, with any building expansion, non-conforming pylon signs were allowed to remain on site. However, once these signs were removed, full compliance with the sign provisions of the ordinance was required. The second change to the FBC was to allow microbreweries subject to special land use review in both the general and corridor edge context areas.

Zoning Ordinance Form-Based Changes

Based upon staff experiences and the FBC non-use variance requests over the past 5 years we offer the following comments on selected FBC zoning provisions.

- Sign band signs are currently only allowed to be externally illuminated. Consider internal illumination.
- The Corridor Edge size restriction for ground signs is a maximum of 12 square feet for single business sign/24 square feet for multi-tenant sign with no provision for pylon signs. The height and width of the ground signs are limited to 4 and 3 feet respectively. In Corridor General there is no allowance for any type of freestanding signs. Consider allowances for larger and higher ground signs in both context areas.
- The FBC only allows pitched roofs for small multiplex and flex buildings. The large multiplex currently must be a flat roof with parapet. Consider whether to allow for pitched roofs on large, multiplex buildings.
- The FBC restricts the building width of Flex and Mixed-Use buildings to a maximum of 150 feet. Consider a greater allowance. Likewise, a horizontal expression line from 24 to 42 inches in height is required along the entire width of the façade. Consider a reduction in these requirements.
- Consider whether to amend the use allowances in both corridor edge and corridor general to include Commercial Enterprises Producing Merchandise on the Premises subject to

special land use/ site plan approval (characteristics are like microbreweries which are allowed subject to special land use and site plan review).

- The minimum first floor ceiling height for Flex and Mixed-Use buildings is 14 feet. Consider removing or reducing this requirement to 10 feet.
- Awnings are currently required to be either cloth, canvas or similar materials. Consider making allowance for metal.

Golder stated the FBC is designed for a corridor like Division Avenue to where there is an emphasis on locating buildings closer to the street and the composition of the building facades has more glass (transparency).

VanderMeer questioned the objective of the FBC.

Vandermeer stated there are a couple of things that jump out. He stated you are on top of the road and you are going to hear the traffic all the time. He stated on the back side of the building you get a green space here you are taking away any possibility of green space. Schweitzer stated it is a more urban setting that you are creating with these regulations.

VanderMeer stated he drives by Cityline Apartments and it looks out of place. He questioned how many parcels do we have along the Division Avenue corridor that are still buildable and what is the turn over rate of buildings. He stated he wants to understand how far along before we have a lot of these buildings along the road. Benoit stated we will be long gone before this happens. Benoit stated this is the future. Golder stated the idea is by moving everything towards the street it creates a building wall that creates an urban type of look that helps slow traffic and make it more livable in the long term. Golder stated that is the idea of building a wall along the street frontage is perhaps counterintuitive but, in theory, the more squeezed in it feels the slower drivers will go.

Holtrop questioned if we are going to have to change the peaked roof height restrictions. Schweitzer stated our zoning provision for computing building height considers the height of the wall, plus one half the distance between the top of the wall and the peak.

Schweitzer stated at the next meeting staff will provide more graphic of what these changes might represent. He encouraged the commissioners to drive down Division Avenue and to also look at City Line Apartments. He thinks that driving through there may give them a better context when we review this again in two weeks.

J. New Business

There was no New Business

K. Other Business

1. Intent to Amend Master Plan

Golder stated Vince Rostov appeared before the Land Use Committee seeking feedback on the potential of rezoning 1.34 acres of property located at 2180-44th Street from office to high density residential. The property currently has 2 three story office buildings, connected by a common hallway. Mr. Rostov's plan is to convert the buildings to as many as 24 residential condominium units. The committee felt the concept had some merit, while pointing out that it would require a change in the office Master Plan land use designation and that the city's high density residential land use designation tops out at 12 units per acre.

Golder stated Mr. Rostov has now submitted a formal request to amend that Master Plan from Commercial to High Density Residential. She stated the process takes awhile and involves some public meetings as well as a public hearing.

Motion by Holtrop, supported by Poyner, to initiate the review of the proposed Master Plan land use change requested by Vince Rostov at 2180-2186 44th Street.

- Motion Carried (9-0) -

2. Commissioners' Comments

Holtrop stated there was a LUZ subcommittee meeting prior to the regular meeting. It involved a vacant parcel at Walma and 44th; it is currently zoned C4 office. The developer wants to see if the city will consider rezoning for a condominium development with 38 attached condos. It will involve a change of the Master Plan because it is Master Planned low density residential and currently zoned office. He stated the applicant received feedback and will decide whether or not they will move forward.

Jones questioned the policy on having chickens. Pung stated staff notifies the adjacent property owners for their feedback. Staff would then take the feedback into consideration but neighbors don't have veto authority.

Jones questioned the status of the apartments that were proposed and approved at 60th and Division. Golder stated they are working out their financing, including a PILOT and bonding.

3. Staff's Comments

Schweitzer stated Jeff Sluggett will be at our next meeting on May 9 to provide training.

L. Adjournment

Motion by Commissioner Benoit, supported by Commissioner Kape, to adjourn the meeting.

- Motion Carried (9-0) -

Meeting adjourned at 8:05pm

Respectfully submitted,
Ed Kape, Secretary