

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
OCTOBER 24, 2023, 7:00 P.M.
COMMISSION CHAMBERS

- A. Chair Jones called the meeting to order at 7:00 p.m.
- B. The Pledge of Allegiance was led by Commissioner Quinn.
- C. Roll Call:
Members Present: Bill Benoit, Dan Holtrop, Sandra Jones, Ed Kape, Alex Porter, Ray Poyner, Darius Quinn, Doug VanderMeer,
Members Absent: Sarah Weir (with notification)
Others Present: Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Senior Planner Joe Pung, Planning Assistant Monique Collier, the applicants and one citizen.

Motion by Kape, supported by Quinn, to excuse Weir from the meeting.

- Motion Carried (8-0) –
- Weir absent -

- D. Declaration of Conflict of Interest

There was no conflict of interest statement expressed.

- E. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner Poyner, to approve the Minutes of October 10, 2023 and the Findings of Fact for: Case#17-23 – Bosgraff Walma 44th - Change in the Master Planned Land Use Designation from Low Density Residential to Medium Density Residential located at 2802 – 44th Street -

- Motion Carried (8-0) –
- Weir absent -

- F. Approval of the Agenda

Schweitzer stated under new business we need to set a public hearing date of November 23, 2023 for: Case#29-23 – GRR Ancillary – Rezoning of 10.57 acres of land from I-1 Industrial to C-PUD Commercial Planned Unit Development and Preliminary Site Plan Review located at the NW corner of 36th Street and Patterson Avenue

Motion by Commissioner Quinn, supported by Commissioner Benoit, to approve the agenda for the October 24, 2023, meeting with change noted.

- Motion Carried (8-0) –

- Weir absent -

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

There was no public comment.

H. Old Business

Case#24-23 – Hotel Conversion – Special Land Use and Site Plan Review to convert an existing office Building into a Hotel Located at 2180-44th Street SE (**Tabled from the October 10 public hearing meeting**)

Golder stated the applicant will not be present, however if the commissioners get to a point and feel like they need his input, the applicant would be willing to table.

Golder stated the request is for a conversion of an office building into a 24-room hotel. Golder stated it is zoned for office and hotels are permitted with special land use in the office zone.

Golder stated with respect to the special land use standards, is it harmonious and appropriate in appearance with the existing intended character of the area. She stated the building itself is not going to change and pretty much looks the same. She stated there will be an additional 45 feet of landscaping along the south lot line adjacent to residential uses where currently there is a lot of parking. Golder stated it is serviced by sufficient public facilities and are there excessive additional requirements for public facilities and services.

Golder stated will it not involve activities and materials that would be detrimental to the general welfare by traffic, noise, smoke, fumes or glare. She stated a 24-unit hotel does not generate a lot of traffic. She stated staff is going to review the lighting plan. Golder stated the revised recommendation addresses some of the concerns about noise.

Golder stated the request meets the specific standards for hotels.

Golder stated at the work session there was concern as to whether this will turn in to a long-term residential rental. Golder stated she asked the City Attorney to look at that and he recommended some language that is in the recommendation. She stated in addition, there is the statement of operations which the City Attorney took what Mr. Rostov has provided and amended it to reflect what he thought would be better wording.

Golder stated she is recommending conditional approval of the special land use and site plan review as described in her memos dated October 24, 2023.

Jones opened the public hearing.

There was no public comment.

Motion by Kape, supported by Quinn, to close the public hearing.

- Motion Carried (8-0) –
- Weir absent -

Poyner stated this is an allowable use, it looks like the issues are being addressed and he is ok with the request.

VanderMeer stated he appreciates the applicant putting the maximum stay duration in his bylaws. He stated the rooms are spacious and was thinking that families or college kids would try to stay in the rooms long term.

Holtrop stated in the hotel operations statement, it states that all guest should have valid ID and complete the check-in process.

Quinn questioned what kind of mechanism do we have in place for long term enforcement of these conditions as it relates to butting up to a residential neighborhood. Golder stated that is why condition 4 in the recommendation states: “The applicant shall establish a noise complaint policy, that will be reviewed and approved by city staff.” The policy will include where guests can congregate, a description of prohibited activities and noises, quiet hours, and policies related to the consumption of alcohol on the premises. The consequences of non-compliance must be outlined within the policy. Failure of the hotel to enforce the approved noise policy or the Hotel Operating Statement can result in the revocation of the Special Land Use approval. Golder stated the remedy would be if it becomes a problem, we can take away their special land use approval.

Kape stated in the manufacturing housing industry they have a two heartbeat per bedroom law and that is a State law. He stated he doesn’t know if that carries over into apartments and hotels. Kape questioned if there will be elevators. Golder stated yes, they are already there.

Porter pointed out that in item 3 in the conditions will give the hotel the ability to put anyone out.

Motion by Holtrop, supported by Quinn, to grant conditional approval of the request for a Special Land Use a 24-room hotel as described in Case No. 24-23. Approval is conditioned on conditions 1 –9 and basis point 1 –8 as described in Golder’s memo dated October 24, 2023

- Motion Carried (8-0) –
- Weir absent

Motion by Holtrop, supported by Benoit, to grant conditional approval of the site plan dated October 17, 2023 for a 24-room hotel as described in Case No. 24-23.

Approval is conditioned on conditions 1 –5 and basis points 1 – 5 as described in Golder’s memo dated October 24, 2023

- Motion Carried (8-0) –
- Weir absent -

I. Public Hearing

Case#26-23 – Biggby Coffee – Special Land Use and Site Plan Review for a Drive Through Restaurant – Located at 2300 44th Street SE;

Golder stated the applicant is proposing a drive-thru Biggby Coffee facility located on a currently vacant property at 2300 44th Street. She stated it is zoned commercial, the proposed use is an 800 square foot coffee shop. She stated there is no indoor seating, only the drive-through and then there is a walk up window out in the front.

Golder stated if you want to get into the property you would access from the adjacent property to the east. There would be a direct turn into the property and then an easement that would allow you to get to the proposed Biggby. She stated staff has asked for information on the cross access easement. She stated when you exit, you would have to turn right, go through the intersection and then come all the way back if you want to go back to the west. She stated it is more difficult to get out to go westbound.

Golder stated the lot is narrow 85 feet wide. She stated there are wetlands to the south and to the west and that makes it impossible to get that rear exit that we might have thought we could get over to Countrywood Street..

Golder stated with the site plan, we have asked the applicant to provide the 10 foot landscape buffer on each side and that has been done. She stated we need more information on site lighting and staff will review a more detailed landscape plan.

Golder stated on the elevations that was received, there were too many signs, therefore staff will work on that at an administrative level.

Golder stated staff is recommending approval of the special land use and site plan review as described in her memos dated October 17, 2023.

Garner Tyson, the owner of Biggby Coffee was present. He stated they do have the easement paperwork.

Mark Bailey, with Feenstra and Associates was also present. He stated they received the document for the access easement. He stated the easement is 50 feet wide by 120 feet off the ROW. He stated they moved the site over about 1- 2 feet. He stated he has done everything for the EGLE review and it is straightforward.

Porter questioned how much room they have to get to the walk up window and how many people could be standing there the drive. Bailey stated it is 12 feet wide from the building out to the crosswalk.

Kape Quinn, Benoit, Poyner and Jones were ok with the request.

VanderMeer stated his concern is the walk-up windows with the two drive up windows seems to put pedestrians possibly in danger. He stated he is for the walk-up window, but it is putting it between the drive up windows that concerns him. Golder explained the drive-up windows are on the other side and the walk up is on the north side. She stated we want our community to be more walkable.

Motion by Benoit, supported by Poyner, to grant conditional approval of the special land use for Biggby Coffee Drive-Through facility as described in Case No. 26-23. Approval is conditioned on conditions 1 – 5 and basis points 1 –5 as described in Golder’s memo dated October 17, 2023.

- Motion Carried (8-0) –
- Weir absent -

Motion by Benoit, supported by Poyner, to grant conditional approval of the site plan dated October 9, 2023 for Biggby Coffee Drive-Through facility as described in Case No. 26-23. Approval is conditioned on conditions 1 –5 and basis points 1 –5 as described in Golder’s memo dated October 17, 2023.

- Motion Carried (8-0) –
- Weir absent -

Case#27-23 – Kentwood Drive and Shine – Special Land Use and Site Plan Review for a Vehicle Wash Establishment – Located at 3311 Woodland Drive SE

Pung stated the request is a special land use and site plan review for a vehicle wash facility. Along with the vehicle wash, they are also proposing an accessory oil change and quick lube on the north end of the building.

Pung stated the site is 4 ½ acre in size located on the north side of Woodland Dr. west of the East Beltline. He stated the site is currently an overflow parking lot for the office building to the north which the applicant also owns and it used to be a Western Michigan University satellite campus.

Pung stated there is currently a drive that only provides access to Anna’s House which is on the adjacent property to the east. He stated with this proposal the drive would also serve as the main access to this site. The existing drive connection to the north goes into the other parking lot, that will be an egress only for bypass traffic.

Pung stated this site was conditionally rezoned to C2 Community Commercial in December of last year. One of the conditions of approval was that the use was restricted to the carwash and the accessory oil change only. As long as it is zoned C2 this is the only use that can be there, and the oil change can only be associated with the carwash.

Pung stated the applicant also went to the Zoning Board of Appeals for several variances. One was for a reduction to the rear yard setback. They were granted a variance of 28 feet to the rear yard setback. They were also granted a reduction of 17 feet to the adjacent residential to the northwest. They were also granted a waiver to the 10-foot buffer zone requirement along the property line, but one of the conditions of approval was that, they would be putting in a permanent landscape easement that would act as that buffer but it will be on the adjacent property to the north.

Pung stated the one change from the work session is, they are looking at retaining a portion of the existing pavement. He stated they are retaining the area in the west and plan on putting a small berm to hide. He noted the proposed condition: "The western most ninety-five (95) feet of existing pavement which will not be removed shall not be used for parking or storage and shall be kept free of weeds, trash, junk, etc. and shall be removed if it creates a nuisance or is otherwise a detriment to adjacent property or the surrounding neighborhood."

Pung stated at the work session the applicant was asked to modify the operations description. They have since modified the operations statement and the commissioners have received a copy.

Pung stated the proposed car wash is currently located on 3 separate parcels. He stated those 3 parcels will have to be combined as part of this project.

Pung stated regarding the egress to the north, the property owner currently owns all the parcels, it is a condition of approval that: A permanent egress easement, reviewed and approved by staff and the City Attorney, to East Beltline Avenue through the properties to the north (2329 East Beltline Avenue & 2333 East Beltline Avenue) shall be recorded.

Pung stated there was discussion regarding the possibility of backing up and stacking and blocking the egress. The applicant provided information on their busiest car wash of their holdings and it currently has about 3-4 vehicles an hour at the peak. He stated as a condition of approval: If vehicle stacking for the oil change/lube facility becomes an issue, as determined by city staff, by blocking egress to the north, then measures shall be taken to address the issue.

Pung stated staff also requested information on the noise generated by the carwash and the vacuum. The information was provided by the applicant. He stated based on the information they provided noise generated by either the carwash or the vacuums should not be an issue, but also as a condition of approval if it does become a detriment then measures will need to be taken to address those problems.

Pung stated he is recommending conditional approval of the special land use and site plan review as described in his memos dated October 19, 2023.

Andrew Rossell, with AR Engineering was present. He stated 15 of the Drive and Shine carwashes are adjacent to residential and they haven't received any complaints. He stated they have had studies by a third party and the vacuum sound level is about the same as a busy road.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (8-0) –
- Weir absent –

Poyner stated the hours of operations is helpful with the noise. He questioned if a resident reported a noise issue, what is the process. Pung stated staff would go out to the site for a while and see if we can hear it and from there staff can go forward with enforcement.

VanderMeer questioned the drainage. Rossell stated there is an existing storm water basin. The parking lot was completely paved with catch basins throughout the middle of the parking lots. Rossell stated they are reducing the impervious cover but they do have some things to go through as far as verifying some storm calculations with the City Engineer.

Holtrop questioned if there were vacuums in the front. Rossell stated there are 10 vacuum spaces to the east and the vacuum canisters are all stainless steel. Holtrop questioned if there was anything reserved to the west for future use of vacuums. Rossell stated they would have to come back if they wanted more. Holtrop stated at the work session there was discussion about the pavement being removed. Pung stated they don't want to remove pavement anymore, that is why there were conditions assigned. Andrew stated he thinks they decided to keep the pavement because of the cost of removing.

Porter questioned whether the vacuums are available 24/7. Rossell stated no, they are only operational during business hours. Porter questioned where the wash water goes. Rossell stated they have a three tank system 80% is recycled and the rest is discharged to the sanitary sewer. Porter questioned was the sewer large enough for the water. Andrew stated yes with the small amount that is released. Andres stated they are still working with the City Engineer on the utility connections.

Jones questioned if there were other Drive and Shine's in the area. Rossell stated there are 3 in Kalamazoo and the rest are in Indiana.

Motion by Holtop, supported by Quinn, to grant conditional approval of the special land use vehicle wash establishment as described in Case 27-23. The approval is conditioned on conditions 1 – 8 and basis points 1 – 7as described in Pung’s memo dated October 19, 2023.

- Motion Carried (8-0) –
- Weir absent -

Motion by Holtrop, supported by Quinn, to grant conditional approval of the site plan September 18, 2023, as described in Case 27-23. Approval is conditioned on conditions 1 –11 and basis points 1 – 9 as described in Pung’s memo dated October 19, 2023.

- Motion Carried (8-0) -
- Weir absent -

J. Work Session

Case# 28-23 - DAMA Ventures LLC – Special Land Use Indoor Vehicle Sales and Site Plan Review – Located within Phase A of 3350 Broadmoor Avenue, zoned I-1 Light Industrial

Pung stated the request is for special land use and site plan review for indoor vehicle sales within the industrial district. He stated in 2012 the zoning ordinance was amended to allow for limited indoor vehicle sales within industrial districts subject to a special land use review. He stated that they are looking at utilizing about 3,900 square feet within an existing 15,000 square foot building. That would be the vehicle sales operation and storage. He stated it would be approximately 8 vehicles that they will be able to park indoors. He stated as indicated in their statement all activity would occur within the building.

Pung stated they indicated that there will be no open air display or storage and also there is no on site vehicle repair or maintenance on site. He stated the only thing they would be adding is an overhead door to the east side of the building to allow for vehicular access into the building. He stated based on all the information, the applicant answered all the questions from the general special land use standards and the site specific standards and based on that it looks like they comply with all the special land use standards. He stated there were no real issues with the request.

Ken Dixon, with Dixon architecture was present. He stated he is representing the applicant Marcko. He stated Marcko runs a transportation company he is shipping things in the US and all the vehicles come back empty. He saw an opportunity where he can pick up cars in areas where the vehicles are less expensive than what they are here in the West Michigan area then bring them back a maximum of 8 cars.

Dixon stated the request does not represent much site impact. They are adding garage doors to allow the vehicles to enter into the building. That will eliminate two parking stalls. He stated his operation doesn't require any parking. There will not be any outdoor storage of any of the vehicles. He is not going to use the parking lot for any vehicles that don't go to auction. Everything that comes to the site will be put inside the building. The hours of operation are Monday-Friday 9am-5pm. He doesn't expect a lot of traffic. Most of his cars will be listed online. Then if you are interested you can stop by between 9am-5pm or set up an appointment to see the vehicles.

Porter questioned if this will be staffed. Dixon stated 2 employees will be staffed at this location. Porter questioned if the space is suitable to have fuel and oil in them while stored inside. Pung stated the Fire Marshall and Inspector has been part of the discussion there are restrictions they are allowed to have a limited amount of gas and it must be sprinkled.

Kape, Quinn, Poyner were ok with the request

Holtrop stated his concern is that there will end up being cars outside. Dixon stated this isn't his primary business he just sees an opportunity to pick up cars.

Benoit questioned if there was any concern about taking industrial space. Pung stated this is a use that is allowed within our industrial district as a special land use.

Jones noted no vehicle repair or maintenance will occur on site. She questioned if there will be any prep or detailing work that would need to be done will that take place there. Dixon stated by the zoning ordinance it would have to take place somewhere else.

K. New Business

Motion by Holtrop, supported by Poyner, to set a public hearing date of November 28, 2023 for: Case#29-23 – GRR Ancillary – Rezoning of 10.57 acres of land from I-1 Industrial to C-PUD Commercial Planned Unit Development and Preliminary Site Plan Review located at the NW corner of 36th Street and Patterson Avenue

- Motion Carried (8-0) –
- Weir absent -

L. Other Business

1. Commissioners' Comments

VanderMeer stated Dykstra's Auto at 44th Street and Patterson Avenue had 7 cars parked outside on the east side of the site. Porter stated he also noticed a Boris Head delivery truck.

Holtrop stated he noticed more street trees along 52nd Street and thanked Pung.

Porter stated there is another lot that have several cars everywhere. Service Professor along Patterson Avenue at 50th Street has all of their service vehicles on the front parking lot.

Quinn stated Tuffy 44th and Kalamazoo needs to be cleaned up, there are cars everywhere

Jones questioned the status of Thomsons Auto, Schweitzer stated the 62- B District Court Judge recused herself and the court staff is working to get it reviewed by another District Court Judge

Jones stated she attended the October 17 COW meeting along with Kape and she described the discussion about the zoning ordinance related to housing. He stated we will reconvene and meet with the City Commission again, there were concerns about diluting the ordinances.

2. Staff's Comments

Staff offered no additional comments.

M. Adjournment

Motion by Commissioner Benoir, supported by Commissioner Quinn, to adjourn the meeting.

- Motion Carried (8-0) –
- Weir absent -

Meeting adjourned at 8:30pm

Respectfully submitted,

Ed Kape, Secretary