

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
FEBRUARY 14, 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 Holtrop.
- C. Roll Call:
Members Present: Bill Benoit, Dan Holtrop, Sandra Jones, Ed Kape, Ray Poyner, Doug VanderMeer, Sarah Weir
Members Absent: Darius Quinn, Alex Porter (with notification)
Others Present: Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Senior Planner Joe Pung, and the applicants.

Motion by Kape, supported by Benoit, to excuse Quinn and Porter from the meeting.

- Motion Carried (7-0)-
- Quinn, Porter absent -

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner Weir, to approve the Minutes of January 24, 2023 and the Findings of Fact for: Case# 2-23 – Zoning Ordinance Text Amendments Relating to: Childcare provisions; sign provisions; PUD procedures

- Motion Carried (7-0) –
- Quinn, Porter absent -

- E. Approval of the Agenda

Motion by Commissioner Benoit, supported by Commissioner Holtrop, to approve the agenda for the February 14, 2023 meeting.

- Motion Carried (7-0) –
- Quinn, Porter 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#3-23 – Caring Hearts Adult Day Center – Special Land Use and Site plan Review for an Adult Daycare located at 4488 Breton Ave SE

Pung stated the request is for special land use and site plan review for an adult day care facility. He stated the applicant intends to operate an adult day care facility within a 6,648 square foot tenant space within a 71,000 square foot shopping center.

Pung stated an adult day care center is a special land use under the current CPUD zoning. He stated it does require review and approval of both the use and the site plan by the Planning Commission.

Pung stated there are no changes proposed to the outside of the building or the site itself. He stated any changes or modifications will be within the tenant space itself.

Pung stated there were no issues or concerns raised at the work session therefore he is recommending conditional approval of the special land use and site plan as described in his memos dated February 1, 2023.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (7-0) –
- Quinn, Porter absent –

The Commissioners were ok with the request and offered no further questions.

Motion by Holtrop, supported by Benoit, to grant conditional approval of the Special Land Use Adult Day Care Facility as described in Case 3-23. The approval is conditioned upon conditions 1-2 and basis points 1 –5 as described in Pung’s memo dated February 1, 2023.

- Motion Carried (7-0) –
- Quinn, Porter absent -

Motion by Holtrop, supported by Benoit, to grant conditional approval of the site plan dated October 1, 2020 as described in Case 3-23. The approval is conditioned upon conditions 1 and basis points 1 –3 as described in Pung’s memo dated February 1, 2023.

- Motion Carried (7-0) –
- Quinn , Porter absent -

Case#4-23 – Snackcraft Building Addition – Major Change to a PUD and Final Site Plan Review located at 4444 – 52nd Street SE;

Pung stated the request is for a Major Change to a PUD and Final Site Plan Review of a PUD located at 4444 – 52nd Street. He stated the property is zoned IPUD industrial planned unit development.

Pung stated the applicant is looking at 171,150 square foot addition to the existing building. He stated the initial industrial building was constructed in 1974, prior to the rezoning of the property. A 6,160 square foot addition was constructed in 1995, a 4,050 square foot addition in 1999, and a 14,000 square foot addition in 1996.

Pung stated there were also 5 commercial outbuildings designed along with the expansion of the existing industrial building fronting along 52nd Street and Broadmoor Avenue. He stated with this proposed expansion it removes the potential for any of the outbuildings.

Pung stated some of the issues at the work session include provision of a pedestrian connection to 52nd Street. He stated they have since provided a connection and path from 52nd Street to the entrance of the building.

Pung stated the 2017 non-motorized plan that was also adopted into the Master Plan does require an 8 to 10-foot-wide shared use path along Broadmoor Avenue. Currently there is a 5-foot-wide asphalt sidewalk. There is a 90-foot gap in the sidewalk. The applicant is proposing to enclose that gap so it will be a continuous 5 foot pathway along their portion of the Broadmoor Avenue frontage.

Pung stated the other issue had to do with the building façade. The zoning ordinance requires that the primary building material for the sides facing the street of the parking lot to be brick. He stated the applicant is going to ask for a waiver because the building is going to be primarily insulated metal panel. He stated the Planning and City Commissions can grant a waiver to that specific requirement.

Pung stated another issue was coming up with a PUD agreement. He stated the applicant has provided a draft for a PUD agreement and as a condition of approval they would be working with staff and the City Attorney to come up the final PUD agreement.

Pung stated he is recommending to the City Commission conditional approval of the major change to the PUD and the final PUD site plan as described in his memos dated February 7, 2023.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (7-0) –
- Quinn, Porter absent -

Brad Rosley, Third Coast Development, owner of the facility 545 Michigan Street was present.

The Commissioners were okay with the request and happy to see the changes they made from the work session. However, Holtrop stated he is still concerned with the left hand turn from 52nd Street into the parcel conflicting with the Speedway traffic.

Motion by Benoit, supported by Poyner, to recommend to the City Commission conditional approval of the major change to the PUD and approval of the PUD Site Plan dated January 31, 2023. The approval is conditioned upon conditions 1-7 and basis points 1 –5 as described in Pung’s memo dated February 7, 2023.

- Motion Carried (7-0) –
- Quinn, Porter absent

Motion by Benoit, supported Poyner, by to grant conditional approval of the final PUD site plan dated January 31, 2023, for Snackcraft Building Addition as described in Case 4-23. The approval is conditioned upon conditions 1-6 and basis points 1 –5 as described in Pung’s memo dated February 7, 2023.

- Motion Carried (7-0) –
- Quinn, Porter -

Case#5-23 – Blue Pearl Specialty and Emergency Pet Hospital – Special Land Use and Site Plan Review for an Animal Hospital located at 2500 East Paris Ave SE

Schweitzer stated the request is for special land and site plan review. He stated the property was rezoned to conditional planned unit development and was approved by the City Commission in December 2022.

Schweitzer stated that one of the conditions of the conditional approval for the rezoning, the applicant voluntarily self-imposed a 150 feet separation from any adjacent residential use which allows for the buffer between this site and the Fox Chase development.

Schweitzer stated they also came up with a site design that we take into account the surrounding uses.

Schweitzer stated the land rises to the northeast and there is a tree canopy along the east lot line and to some extent the north lot line as well. He stated there are powerlines along East Paris Avenue that has a bearing on the fact that the street trees that are provided in the landscape plan are behind the sidewalk instead of between the sidewalk and the curb.

Schweitzer stated the plan has been modified since the work session. He reviewed the changes regarding landscaping along the frontage. He stated we want to make sure we had some clear view so motorists will be able to see oncoming traffic clearer.

He stated we have requirements for height of the lighting when it is adjacent to a public roadway or residential. He stated in this case they had to go with some lower poles as you get to the perimeter of the site.

He stated the animal hospital is set up for 24 hour service. The ordinance requires that most activity takes place within the building. He stated the applicant has pledged to limit the amount of time that any animal would be outside going into the animal hospital and on the way out. There are no outside run areas.

Schweitzer stated in their redesign from the work session they did redo the employees break area.

Schweitzer stated they have introduced sidewalk along the outside of the building. He stated there was question at the work session as to whether the building materials met our requirements. The designer provided staff with details and staff confirmed that the building materials are met.

Schweitzer stated there is a drive from Embassy and also onto East Paris Avenue. It will provide access to this site and the vacant property on East Paris Avenue. He stated they have the drive properly aligned with the drive across the street in Grand Rapids.

Schweitzer stated as we went through the special land use review, we wanted to be conscious of how it fits within the area. He stated we feel that with the separation from the residential use to the north and the site design it fits in with the scale and the types of buildings already in the immediate area.

He stated if an animal comes into the facility and would happen to pass the animal hospital takes care of the remains on behalf of their clients.

Schweitzer stated there was question with traffic generation associated with this use. He stated they went to the trip generation manual and this is not the type of use where you have a big rush of traffic. They are on staggered shifts.

Schweitzer stated he is recommending approval as stated in his memos dated February 8. He stated the 30 foot wide shared access should be made a condition of approval and that the applicant provides that and record commitment that going forward.

Don DeGroot with Exxel Engineering was present. He added that if a pet were to pass away they are discreet about it they wrap the animal and it is placed in a container so there is no drama as it exits the facility.

Craig Baker with First Companies was also present.

Jones opened the public hearing.

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

- Motion Carried (7-0) –
- Quinn, Porter absent -

Poyner stated he asked about the traffic study and it appears to no longer be an issue therefore he doesn't have any questions.

Vandermeer questioned if the parking would be excessive. Baker stated they initially projected a 25,300 square foot building there are 25,277 square feet. He stated Blue Pearls is requesting the amount of parking based on their other locations. Vandermeer stated they have a lot of pavement now how will the drainage flow. Schweitzer stated that is the detail the City Engineer reviews and it is a case where they have sufficient capacity to accept the drainage. Don stated the comments from the City Engineer have all been addressed; it is built to the City standards to accommodate both the proposed development as well as anything proposed to the north for any future development.

Holtrop stated traffic and parking was his issue. He stated he does see possible parking on the east end. He questioned if the dumpster area has a wall or buffer. Holtrop stated he read where there will be 95-110 staff. Baker stated the staffing information is correct it depends on what they are doing and what is happening in the building at the time. Baker stated the good part is that staff stagger their shifts.

Motion by Holtrop, supported by Benoit, to grant conditional approval of the request of First Companies for a Special Land Use Blue Pearl Specialty and Emergency Pet Hospital at 2500 East Paris Avenue, SE as described in Case # 5-23 The approval is conditioned upon conditions 1 and basis points 1 –4 as described in Schweitzer's memo dated February 8, 2023.

- Motion Carried (7-0) –
- Quinn and Porter absent -

Motion by Holtrop, supported by Benoit, to grant conditional approval of the revised site plan dated 01-27-23, the revised landscape plan dated 01/25/23, the revised photometric plan dated 01/30/2023 and the revised building elevations dated 23 January 2023 for the Blue Pearl Specialty and Emergency Pet Hospital at 2500 East Paris Avenue, SE as described in Case # 5-23. The approval is conditioned upon conditions 1 adding condition 2. Recording a 30 foot shared access along the north property line and basis points 1-3 as described in Schweitzer's memo dated February 8, 2023.

- Motion Carried (7-0) –

- Quinn, Porter absent -

I. Work Session

Case#6-23 – Dykstra Auto – Major Change to an Approved Site Plan located at 4782 – 44th Street SE;

Pung stated the request is a major change to an approved site plan. He stated in September of 2022, the Planning Commission granted conditional special land use and site plan approval for a vehicle repair operation at this location. The approved site plan included the addition of ten (10) parking spaces to the south of the existing building; the applicant is now proposing to add an additional nineteen (19) parking spaces (for a total of sixty-four (64) parking spaces) to the south of the existing building. The additional parking along with a change in a proposed lot split is a major change requiring review and approval by the Planning Commission.

The applicant intends to split the existing 3.77 acre parcel into two parcels (2.02 acres and 1.75 acres); the existing building and proposed use would be located on the northern parcel (2.02 acres) and an ingress/egress easement would be created to permit shared use of the existing access onto Patterson Avenue. The proposed changes result in the lot width for the proposed southern lot decreasing by almost forty-two (42) feet compare to what was proposed in 2022 approved site plan. The southern one hundred and twenty-five (125) feet of the proposed south lot is encumber with easements which may make development of the parcel difficult; the applicant should look at whether this lot could be developed on its own and provide a concept plan showing how the lot could be developed.

Pung stated there are no real issues.

Batts, 623 Tuttle was present. He stated the changes are just the new parking spaces they want for employees and customers. He stated the storage area will be fenced in. He stated they added one ADA spot. He discussed the easements and detention.

Benoit stated this makes him nervous with people coming out of the airport seeing this building and seeing this work being done. He stated then you say they need more parking they are going to be parking cars out there that need to get worked on and then we are going to have a problem as we have had with some auto repair places in the City. He was concerned if we have this nailed down enough in our special land use agreement and if they start getting cars parked out there that shouldn't be, can we enforce. Pung stated it is enforceable there is a requirement that any vehicles that are stored have to be behind that enclosed area that is screened off. If you start seeing inoperable vehicles parked outside we can enforce upon that. Pung stated if they are in violation of the special land use requirement we have the ability to pull the special land use permit.

Holtrop stated his concern was also more parking more cars more issues. He questioned if the drive off Patterson will that still be an easement to access the other parcel. Batt stated yes, it is. He questioned if the 19 spaces are part of the fenced in area. Batt stated that it is. Holtrop questioned if they would fence the whole parking lot. Batts stated he thinks fencing the whole thing will be more of an eyesore for oncoming traffic. Holtrop stated anything we can do to screen the potential for disabled vehicles sitting around will be helpful.

VanderMeer stated he has a concern of the outside storage and how it went from 8 and now it's expanded. He stated his other concern is the egress onto Patterson the ability to make that left turn out of there. Batts stated they can look into these issues.

Poyner stated he would like to see them explore screening the entire parking lot as mentioned by the other commissioner because we have had issue within the community.

Jones echoed the Commissioners comments. She doesn't want people looking at inoperable vehicles. She wants him to take their concerns back and make sure that the owner is well aware of the commissioner's issues. She stated the owners history is part of the concern for this discussion.

Case#7-23 Enthusiasts Choice Detail Studio- Request of Connecticut Development Company LLC for a Special Land Use Major Vehicle Repair Dry Ice Cleaning and Site Plan Review for Ste. 3, located at 5120 East Paris Avenue SE

Golder stated The applicant wishes to operate an automotive cleaning "studio" that uses dry ice cleaning for specialty, collector, sports cars, and exotic cars. The dry ice cleaning includes buffing, waxing, and ceramic coatings to ensure a proper finish. Vehicles are brought into the building upon arrival and will remain in the building until they are picked up. Three to six cars will be cleaned per week, with each car taking approximately 8 hours each to complete. She stated the hours are from 8am-5pm. She stated she doesn't see any issues with the special land use.

She stated with the specific special land use standard in 15.03 the only issue is that there is no allowance for overhead doors for major vehicle repair. This has an overhead door therefore they have to go to the Zoning Board of Appeals.

Ben Bauer, 4216 Unity Drive was present. He went over an overview of the dry ice process explaining how it is power washing without water. It is pressured small dry ice pellets that are blasted at the vehicle.

Poyner questioned if there will be any waste. Bauer stated dry ice is made of frozen carbon dioxide the process of the dry ice going away is called sublimation. Poyner questioned how much this will cost. Bauer stated around \$250 per hour.

Holtrop questioned if ventilation will be needed. Bauer stated there are two doors on the back of the building. He may prop them but open carbon dioxide stays close to the ground.

J. New Business

There was no New Business

K. Other Business

1. Zoning Waivers Main Event

Golder stated this is a new entertainment venue that is being proposed at Woodland Mall on the north side. She stated a land division has occurred and this building will fit within the new lot if approved. She stated it is a full service restaurant and bar with bowling, laser tag, video games, pool tables and shuffle board. She stated it is 48,950 square feet on 1.429 acres.

Golder stated there are 4 waivers, lot coverage and setbacks, building materials and signage. She stated 3 waivers need City Commission and Planning Commission review and the signage waiver is for the Planning Commission only.

Setback and lot coverage waivers:

The waiver request from Main Event would allow for setbacks that are less than what is required in Section 8.03 B.1 of the Zoning Ordinance. The Zoning Ordinance requires 40' in the front yard, and 35' rear yard, and 0' (or 10') on the side yard. Main Event is proposing a front yard setback of 10.56' in the front, and 10' in the rear. The reduced setbacks will allow for all of the parking surrounding the building to continue to be owned by the mall.

The second waiver request would allow lot coverage of less than 35%. Lot coverage in the C-3 zone includes area of the lot covered by the main/accessory buildings. The Main Event's lot coverage is proposed to be 78%. This is similar to the lot coverage request approved for the Von Maur building.

Building Materials Waiver:

The building materials waiver request for Main Event would allow concrete masonry unit (CMU) clad with EFIS with an aluminum metal accent. The proposed materials for the building are as follows: The proposed building uses 89% EFIS; only 25% is allowed.

Ordinance Waiver Provisions:

Section 8.02 F allows the City Commission, after recommendation from the Planning Commission, to waive the provisions of Section 8.03B and 8.03 C in cases involving a Regional Shopping Center where there is evidence that the following conditions are met:

1. There are exceptional or extraordinary circumstances of conditions applying to the property. Exceptional or extraordinary conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - b. By reason of exceptional topographic or environmental conditions or 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.
2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
3. The granting of the waiver or alteration will better serve to achieve the intent and purpose of the C-3 Regional Commercial Zone district as described in Section 8.01.

These standards should be used by the Planning and City Commissions to evaluate the lot coverage, setback and building materials waiver requirements.

Signage Waivers

Main Event Entertainment is also requesting a waiver from the signage requirements of the C-3 zone. The applicant is making application for four signs that exceed the city allowance for signage or signage location. These are:

Northwest (front) exterior sign: 337 sq feet proposed
203.5 square feet permitted

East exterior sign: 337 square feet proposed
203.5 square feet permitted

South side (facing Woodland Mall) exterior sign: 32 square feet proposed
No sign is permitted, since does not face a street

Mall exterior sign at mall south entry (adjacent to Black Rock Restaurant): 52.01 square feet proposed
No sign permitted since this signage is considered off-premise

Section 16.07 addresses special exceptions for signs in regional shopping centers in the C-3 District. The ordinance allows for Planning Commission approval of variations in required size, placement, number and height of signs in commercial developments in the C-3 zone. The special exceptions must comply with Section 16.07 C as follows:

1. The need or suitability of the special exception shall be based on the nature, size density, location or design of the commercial development.
2. The special exception shall result in an enhancement or improvement of a sign function or purpose, by reason of approved aesthetics, more convenient identification, improved pedestrian or vehicular safety or other sign improvement within the development.
3. The special exception shall not have a serious adverse effect upon other lands or the public streets or the use thereof.

The applicant proposed that the increased size of the signage is warranted due to the sheer size and scale of the building. The building is approximately 48,600 square feet in area. If the building were 1,390 square feet larger, or 50,000 square feet, each exterior wall would qualify for a sign area of up to 5% of the wall to which it is attached. Therefore, the west and east walls would be allotted over 360 square feet, and the north and south walls would be allotted in excess of 245 square feet. In addition, one entrance sign of up to 70 square feet would be permitted.

The applicant also states that the Main Event building is proposed at the rear of Woodland Mall shopping center, and the signage would improve the visibility of the building. The 52 square foot sign facing south at the mall entry near Black Rock Restaurant is also intended to provide visibility of the Main Event to 28th Street.

Angel Robinson, Main Event Property Development Manager, 309 Ketland Circle, Harland Village Texas was present.

Benoit stated he doesn't have a problem the waivers.

Kape questioned if the walkway will be covered with a canopy if you are coming from the mall to Main Event. Robinson stated the intent now is not to be covered. There is about 28 feet between the exit of the mall where the building backs up to the mall 10 feet of that will be on the Main Event piece and then 18 feet of it will remain on the mall side. Kape questioned if there will be any safety concerns will it be lit and the hours of operation. Robinson stated they stay open as late as 2am. Golder stated they are working through those issues with cameras and lights because that came up with the discussion about liquor and the police department was in on the discussion. Robinson stated they have their own lighting features that they put on the building and then egress lighting for exit doors but they also have cameras that they put on building in addition the mall has their own cameras. Discussion ensued regarding security.

Holtrop stated his only concern was safety and it looks like they are addressing that. He is ok with everything else.

Vandermeer questioned if there was adequate parking. Golder stated yes we asked them to look at that and they do meet the ordinance. Vandermeer also questioned the traffic. Golder stated she isn't concerned with the traffic. He stated his last concern would be the alley and the lighting in the 28 foot corridor. Randy Barnett the architect for Main Event stated they do have adequate lighting on that side of the building specific to address this. They are going to have overlapping lighting.

Poyner lighting and security was his concern.

Jones stated she is not in favor of the signs she doesn't think it goes with the other signage. Robinson stated having signage that speaks to their brand is important to them. She stated she understand that it is all white but there are other brands in the mall that are have their brand that speaks through their signage.

Jones stated with the 28 feet between the mall and their building she is concerned about snow and ice and how will they ensure this isn't a slip and fall hazard. He stated they have been working with the mall. The mall has a canopy that projects out and they have a canopy that projects out but they do not touch and connect. Because of the fire code they have to be 20 feet separated between the mall and their building otherwise they have to change their construction type to meet that fire code. They have to have that 20 foot separation. Discussion ensued regarding how they will keep that area safe.

Motion by Benoit, supported by Holtrop, to recommend to the City Commission the to grant the waivers requested for setback, lot coverage and building material for review and approval.

- Motion Carried (7-0) –
- Quinn and Porter absent -

Motion by Benoit supported by Holtrop, to grant the waivers Northwest (front) exterior sign: 337 sq feet proposed; East exterior sign: 337 square feet proposed South side (facing Woodland Mall) exterior sign: 32 square feet proposed Mall exterior sign at mall south entry (adjacent to Black Rock Restaurant): 52.01 square feet proposed.

- Motion Carried (6-0) –
- Jones opposed -
- Quinn and Porter absent -

2. Commissioners' Comments

Benoit stated he may not be at the next meeting.

3. Staff's Comments

Schweitzer stated he will have City Attorney Sluggett come in for training.

Schweitzer stated there will be a discussion on the ordinance amendment for housing at the Committee of the Whole meeting on February 21 at 5:30pm.

L. Adjournment

Motion by Commissioner Poyner, supported by Commissioner Weir, to adjourn the meeting.

- Motion Carried (9-0) –

Meeting adjourned at 9:00pm

Respectfully submitted,

Ed Kape, Secretary