

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
MAY 23, 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 Weir.
- C. Roll Call:
Members Present: Dan Holtrop, Sandra Jones, Ed Kape, Alex Porter, Ray Poyner, Doug VanderMeer, Sarah Weir
Members Absent: Bill Benoit and Darius Quinn (with notification)
Others Present: Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Senior Planner Joe Pung, Planning Assistant Monique Collier, and the applicant.

Motion by Kape, supported by Holtrop, to excuse Commissioners Benoit and Quinn.

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

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner VanderMeer, to approve the Minutes of May 9, 2023.

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

- E. Approval of the Agenda

Motion by Commissioner Holtrop, supported by Commissioner Weir, to approve the agenda for the May 23, 2023 meeting.

- Motion Carried (7-0) –
- Benoit and Quinn 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#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 stated regarding 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.

Schweitzer stated the question Vandermeer had regarding menacing versus vicious is being worked out with the code of ordinances at the next City Commission meeting. They are referencing State law from 1919 as well as County regulations that are in place now.

Schweitzer stated regarding Form Based Code City staff originally recommended the waiver of the horizontal expression line and pilaster requirements for Flex and Mixed-Use Buildings if the entire building was devoted to residential use. The Planning Commission decided these requirements should be retained in the Mixed-Use Buildings to accommodate eventual commercial use more readily on the first floor. Regarding Flex Buildings, the Planning Commission preferred an administrative departure review as opposed to an automatic waiver to assure the design of the building façade provides a comparable distinction between the building base and the upper stories and/or provide comparable uniform vertical spaces or features.

- Amend Section 23.04.09, Table 4.01 PERMITTED USES to add:
Commercial Enterprise Producing Merchandise on Premise subject to Special Land Use and Site Plan Review in the Retail, Flex and Mixed-Use Building Types.
- Amend Section 23.04.10, Table 4.01 PERMITTED USES to add:
Commercial Enterprise Producing Merchandise on Premise subject to Special Land Use and Site Plan Review in the Retail and Flex Building Types

The Characteristics of this use are like microbreweries which are allowed subject to special land use and site plan review. The existing special land use site design standards limiting the number of merchandise production employees, production impact on adjacent occupied premises and on-site retail sale of product are important to these reviews.

•Amend Section 23.05.08.O.1 BUILDING MATERIALS AND CONSTRUCTION REQUIREMENTS to read as follows:

Section 23.05.08.O.1 Awnings shall be cloth, canvas, metal, or similar material. Shiny or reflective surfaces are not permitted.

There is otherwise no awning material restriction in any other zone district.

•Amend Section 23.05.10 MIXED USE BUILDING TYPE, BUILDING SIZE AND MASSING, Subsection C to read as follows:

C. Main body building width fronting a public street: 160 feet maximum and Main body building width non-public street frontage:220 feet maximum.

•Amend Section 23.05.12 FLEX BUILDING TYPE, BUILDING SIZE AND MASSING, Subsection C to read as follows:

C. Main body building width fronting a public street: 160 feet maximum and Main body building width non-public street frontage: 220 feet maximum.

Changing the massing of the flex and mixed used buildings along the public street frontage has been a maximum of 150 feet the proposal is that the maximum goes to 160 feet and then staff went further and looking at those that are not on a public street frontage to allow up to a 220 foot dimension on the width. The consultants back in 2017 stressed that the building wall that you have along the public street frontage and as you get back into the property you can allow more flexibility.

The proposed changes is reflective of the characteristics of the buildings within the two apartment developments that have been approved by the city under the Division Avenue FBC zoning both in terms of frontage on public streets as well as non-public street frontages. The 160-foot building width fronting Division Avenue appears to be a reasonable scale to establish the “building wall”. City staff has previously interpreted these building width restrictions to be less strict on non-public frontages.

•Amend Section 23.05.12 FLEX BUILDING HEIGHT FLOOR REQUIREMENTS Subsection A to read as follows:

A. Ground floor: Floor to ceiling height shall be ten (10) feet minimum, measured from the finished floor to the finished ceiling or bottom of exposed structural elements. BASIS: The minimum 10-foot requirement will reasonably provide the desired flexibility for either residential or commercial use of ground floor space in a Flex Building. Mixed Us Building must continue to provide the minimum 14-foot first floor height.

•Amend Section 23.05.14.A, FORECOURT: LARGE MULTI-PLEX BUILDING Subsection A to read as follows:

A. Building may have a flat roof with parapet or a pitched (sloped) roof.

•Amend Section 23.05.14.B, DOORYARD: LARGE MULTI-PLEX BUILDING Subsection A to read as follows:

A. Building may have a flat roof with parapet or a pitched (sloped) roof.

•Amend Section 23.05.14.C, STOOP: LARGE MULTI-PLEX BUILDING Subsection A to read as follows:

A. Building may have a flat roof with parapet or a pitched (sloped) roof.

•Amend Section 23.05.14.D, PROJECTING PORCH: LARGE MULTI-PLEX BUILDING Subsection A to read as follows:

A. Building may have a flat roof with parapet or a pitched (sloped) roof.

The FBC only allows pitched roofs for small multiplex and flex buildings. It appears reasonable to make similar allowance for the large multiplex buildings.

•Amend Section 23.07.16, SIGN SIZE, PROPORTION AND LOCATION, Subsections C and D to read as follows:

C. The maximum height of ground signs shall be five (5) feet, measured from adjacent grade.

D. The Maximum width of ground signs to be six (6) feet.

• Amend Section 23.07.16, SIGN STANDARDS, Subsections A, B, C, and D to read as follows:

A. Masonry Base Required. All permanent ground signs must have a base that is equal or greater in width than the width of the sign. The base must be made of masonry or brick. The base must be at least 12 inches above the grade that lies adjacent to the sign. The Zoning Administrator may permit a material that replicates the appearance of masonry or brick in lieu of actual masonry or brick construction.”

B. Ground sign shall be designed to be compatible with the character of the surrounding buildings and materials to promote a unified design which complements the buildings’ massing, scale, and material.

C. Ground sign is not permitted to be changeable copy, except for gasoline price signs, directory signs listing more than one tenant, and signs advertising restaurant food specials, films and live entertainment, which change on a regular basis.

D. Ground signs may be double- or single-faced.

Buildings within FBC are permitted to have as many as seven different signs attached to the building, much more than allowed in any of the other zone districts in the community, and the FBC build to line or build to zone requirements often leaves very little area between the building and the sidewalk to place ground signs. Therefore, it may be

reasonable to merely make the 24 square foot ground sign allowance, with up to 5-foot height and width dimensions, available for both single and multi-tenant buildings in only the Corridor Edge context area.

•Amend Section 27.07.09 Sign Band Sign, Sign Illumination, to delete Subsection B prohibitions on internal illumination and neon.

Internal illumination and neon are otherwise allowed in all other zone districts.

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) –
- Benoit and Quinn absent -

VanderMeer questioned if this was specific to Division Avenue or if there other areas of Kentwood where these amendments could be applied. Schweitzer stated it is customized for the Division Avenue corridor because we are looking at a redevelopment along there consistent with our neighbors to the west and the north. Schweitzer stated a lot of the features of FBC draw upon the bus rapid transit service and prospect of reducing the need to have two car households.

Poyner questioned if any of these recommendations conflict with any feedback we have gotten from the citizens in the area. Schweitzer stated he isn't aware of any and noted that a few businesses in the area would like to take advantage of the commercial enterprising option.

Kape suggested for the benefit of new commissioners, staff should provide a PowerPoint on FBC. Schweitzer stated at the next meeting staff will devote some time to go over that as a refresher for some and an introduction for others He stated staff will add more of the graphics that might bring more clarity. Jones stated to also add what is allowable in corridor general, corridor edge etc. Jones asked if staff could send out the powerpoint in advance of the meeting. She also suggested that the commissioners take a look at it ahead of time and formulate their questions before they come in. She stated that would be helpful to help move the conversation along.

Motion by Holtrop, supported by Kape, to recommend to the City Commission amendment of the Zoning Ordinance Form Based Code provisions pertaining to building type size and massing, sign display, building type floor height, building type façade composition, building material and construction, and use allowances as described in Schweitzer's memo dated May 16, 2023.

- Motion Caried (7-0) –
- Benoit and Quinn absent -

Motion by Holtrop, supported by Poyner, to recommend to the City Commission amendment of the Zoning Ordinance to amend the definition of a kennel; amend a special land use site design standard for kennels; as described in Schweitzer’s memo dated May 16, 2023.

- Motion Caried (7-0) –
- Benoit and Quinn absent -

I. Public Meeting

Case# 12-23 - 2180-2186 44th Street Master Plan Amendment – Change in the Master Planned Land Use Designation from Commercial to High Density Residential

The applicant, Vince Rostov was present.

Golder stated that the request is for a change in the Master Plan Land Use Designation from Commercial to High Density Residential.

Golder stated the proposed condominium use is located at the corner of 44th Street and Applewood Drive. The property to the south of the development is a duplex and is located 186 feet away from the existing office building and it is master planned for Medium Density Residential use. The property to the west is an office development of a similar design and era as 2180-86 44th Street. It is Master Planned for Office use. The subject property currently has 2 three story office buildings, connected by a common hallway. The applicant’s plan is to convert the buildings into a high-density residential condominium development, with a total of 16 condominiums units.

Golder stated at the work session there was discussion as to whether or not to assign conditions to this Master Plan designation. She stated we have done that before therefore she thinks it will be appropriate to say that these are going to be owned rather than a rental.

Golder stated According to the Institute of Traffic Engineers report Trip Generation, 11th Edition, office developments of approximately 18,000 square feet can generate approximately 267 trips per day. A 16-unit condominium development can generate approximately 108 trips per day. She stated the number of trips per day for a condominium development is a lot less and there is less parking that is going to be required on the site so there will be more greenspace.

Golder stated she received a letter expressing disagreement with the change in the master plan from a neighbor. They were concerned that this will lead to the amendment to the Master Plan for all the other buildings that are west of this that look similar.

Golder stated the next step in the process is to ask the City Commission to set a hearing date of at least 42 days in the future.

Poyner stated there has been some opposition regarding precedent setting for this location. He questioned, with this proposal to change the Master Plan is it isolated to this location only or will it be a larger area. Golder stated the Master Plan amendment is for this parcel only with Applewood Drive serving as the dividing line is Applewood. Discussion ensued.

Golder stated the current Master Plan designation is commercial, but office is adjacent

J. Work Session

There were no work sessions.

K. New Business

Motion by Holtrop, supported by Poyner, to set a public hearing date of June 27, 2023 for: Case#13-23 – Request of Bigg Architecture on behalf of Huntington Bank for a Special Land Use Freestanding Drive Through ATM at 2956 – 28th Street SE (Zoned C-2 Community Commercial)

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

L. Other Business

1. Commissioners' Comments

Poyner stated he will be away in Florida for the months of June and July. He stated he would like to continue to receive the electronic packet.

VanderMeer stated he would like “conflict of interest” to be added to the agenda. The commissioners agreed that this was a good idea.

VanderMeer stated we need more advance notification on the road closings 52nd Street in particular.

Holtrop mentioned that a couple of the lights are flickering in the commission chambers.

Kape stated Park & Rec had Bark in the Park and raised almost \$5,000 dollars. Over 200 people and 200 dogs came out. He stated the next food truck event will be in a couple of weeks.

Weir asked about the prospect of planning commissioners having City email addresses. She stated if she recalls correctly the City Attorney was saying he was going to look further into it. Schweitzer stated he will follow up.

Jones questioned if we have any ordinances for the number of vehicles one house can have. Schweitzer stated our restrictions come in play in terms of parking. If someone has a vehicle parked in the side yard or rear yard and they are not licensed and not operable then code enforcement would come into play.

2. Staff's Comments

Schweitzer stated we will get back again with our work on Zoning Ordinance Amendments for architectural guidelines. He stated staff has continued to have conversations with builders.

M. Adjournment

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

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

Meeting adjourned at 8:00pm

Respectfully submitted,

Ed Kape, Secretary