

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
JUNE 27, 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 Porter.
- C. Roll Call:
Members Present: Bill Benoit, Dan Holtrop, Sandra Jones, Alex Porter, Darius Quinn, Doug VanderMeer, Sarah Weir
Members Absent: Ed Kape and Ray Poyner (with notification)
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 Benoit, supported by Quinn, to excuse Kape and Poyner from the meeting.

- Motion Carried (7-0) –
- Kape and Poyner absent -

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Benoit, supported by Commissioner Quinn, to approve the Minutes of June 13, 2023.

- Motion Carried (7-0) –
- Kape and Poyner absent -

- E. Approval of the Agenda

Schweitzer stated that Case#15-23 should not have an address specified for the proposed change. It is a proposed amendment to the text that would apply to any industrial property.

Motion by Commissioner Quinn, supported by Commissioner Porter, to approve the agenda for the June 27, 2023 meeting with change noted.

- Motion Carried (7-0) –
- Kape and Poyner absent -

- F. Declaration of Conflict of Interest

There was no conflict of interest statement expressed.

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

There was no public comment.

H. Old Business

There was no Old Business

I. Public Hearing

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)

Schweitzer stated the request involves the South Ridge Center a multi-tenant retail building. He stated a freestanding ATM is being proposed. He stated that 28th Street is a five-lane arterial roadway with two through lanes in each direction and a center turn lane. He stated the posted speed limit along 28th Street is 45 miles per hour. The 2018 traffic count was 32,147. He stated there is a deceleration lane as eastbound motorists approach the boulevard access into the property.

Schweitzer stated on the initial plan it showed the ATM to be closer to the driveway and the concern was with stacking. He stated the ATM was too close to the boulevard entrance and staff felt that it should move to the west to allow for proper circulation in that area.

Schweitzer stated the second concern relates to parking. He stated the building is over 30,000 square foot. He stated in the front currently there are as many as 79 striped parking spaces; which is about two thirds of what our ordinance specifies as minimum for this particular site. He stated the ATM is going to displace as many as 10 of those parking spaces. There was concern if there will be sufficient parking on the property to accommodate employees and patrons. He stated with further discussion staff observed that at the rear of the building, there is some striped parking. The applicant provided staff with a revised plan that shows expanded striped behind the building. He stated from a staff standpoint it appears to be responsive to that concern.

Schweitzer stated the third concern pertained to the traffic circulation in the front. He stated by taking out the 10 spaces further to the west it still may have some stacking, but the relative location to the driveway entrance he feels would be sufficient to address stacking. The applicant provided information regarding the frequency averaged throughout the day, the amount of time it takes for a particular transaction and stats from other locations where they have similar set up for an ATM. He stated the fact that the entrance into the ATM area is consistent with the right hand side of the road for the traffic to go to the west and then the left hand side would go to the east it was consistent. The exit where the ATM comes out, lends itself to someone coming out to either make a quick right or they can come around the double tier that is in the front to exit the site.

Schweitzer stated based upon the modifications and concerns, from a staff perspective he is recommending conditional approval of the special land use. He stated the revised recommendation for conditional site plan approval was based upon feedback that was received from the City Attorney. He stated the conditions read as follows: 1. Re-stripe parking spaces in the rear as depicted on the revised site plan, which includes two carry out only spaces for the current Mexican restaurant tenant on the southwest corner of the multi-tenant building. 2. Provide a cross-access easement to the property to the east as depicted on the revised site plan. 3. Documentation of the property owner's acceptance of conditions 1 and 2.

Schweitzer stated there is a licensed agreement that has been agreed upon between a representative of Huntington and the property ownership. He stated we want to make sure that the property ownership is aware of and accepting of the conditions that are recommended.

Schweitzer stated, as it relates to the prospect of having cross access to the south of the building, there is a comparable grading between the two but there is a stand up curb as part of the consideration of cross access. That is where the owner of this property and the owner of the property to the east have to come to an agreement on how that might be accomplished if at all.

Clare DeGraaf, owner of Southridge Center was present. He stated the restriping is not an issue, they are happy to do that. He stated nobody ever parks in the back.

DeGraaf stated the Huntington ATM is going to displace 6 parking spaces, the same 5 or 6 cars parked there are employees of El Arriero Restaurant who are parking in the front because it is far away from where their customers park. He stated that all the leases require that all employees park in the back, however, they have never enforced that. He stated it will be a matter of the tenants working with their staff to determine where their employees park. He stated as long as he has owned the center, they have never run out of parking or he's never had a complaint. He stated they have notified all their tenants of the proposed change. He stated they had one objection that said they are concerned about traffic with El Arriero and whether they going to pay their share of common area maintenance.

DeGraaf stated the bigger issue is the interconnection all the way across the south end of the property. He stated right now you can exit through a two lane well paved well marked driveway all the way to 29th Street that they share with Burger King. He stated if they require people to go all the way across to Radcliff it would be counterintuitive. 28th street is about ¼ mile away from his corner of the building all the way to Radcliff.

DeGraaf stated the other issue is that there are 4 properties that he would need to get easement approval from all 4 properties and not just a curb cut. He stated he would have to get approval from 5 people. He stated he also spoke to one of the property owners that lives in Las Vegas and he said it is not a problem for him. He stated it could be months

for them to get an easement to Radcliff which he doesn't think anyone is ever going to use. Discussion ensued.

Jones opened the public hearing.

There was no public comment.

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

- Motion Carried (7-0) –
- Kape and Poyner absent -

Porter stated regarding cross access easement, he can see that if someone knows that the ATM is there, they could go get cash out of the ATM and then go back through to get to one of the other stores. He stated that would be the reason they would want to grant that access.

Weir stated she had a concern at the work session regarding whether or not the tenants had been notified. She stated she is glad to hear that the owner notified the tenants regarding the request.

Holtrop stated that it appears that 3 of the 4 businesses already have the cross access easement in place. DeGraff stated the easement as he understands is across the front of these stores. He stated it isn't just a straight shot. Schweitzer stated he isn't familiar with the easement, and it could be a complicated factor. Discussion ensued regarding the easement. Holtrop stated his only comment is if you can get access to the east he would think they can keep going. He stated we want to prevent this from being a problem and would be in favor of the easement.

Rod Alderink, 4508 East Shore Dr Caledonia, commercial realtor representing Mr. DeGraff was present. He stated regarding the easement law, the parties to the easement all have to agree if you are going to add traffic volume to another easement. He stated in order for them to go to the east across any of these properties they can't just get permission from the first owner because the common driveway and cross parking access easement is all 5 of the properties. Discussion ensued.

Schweitzer stated in this case maybe it would be sufficient if there are willing that they add a condition of approval allow for cross access to the east. That would leave an opportunity for the City to ask the properties further to the east out to Radcliff if they would be willing to grant an easement. Then we have them in line to provide a cross access if they want to provide if from their end.

Benoit questioned if he has cross access agreement with Burger King. DeGraff stated that he does. Discussion ensued regarding cross access.

DeGraaf stated he would be happy to put a curb cut in the future if they can actually get easements all the way across.

Quinn questioned how the lighting is in the rear of the building that they are going to stripe. Schweitzer stated there are wall packs on the west elevation and along the back and there are a number of wall packs and flood lights. Schweitzer stated there appears to be sufficient lighting.

VanderMeer stated he is in favor of the curb cut. Schweitzer stated if the property owner is willing to allow for access there and to seal the deal that we contact the properties to the east to verify whether they would be opposed to that, we can take that forward and work with the property owner to accomplish that if there was a willingness amongst all parties to do so. VanderMeer stated he is in favor of this.

Jones questioned if there is an entrance to the Southridge center from the back. Schweitzer stated there is a door out the back of the building for at least the restaurant.

Motion by Holtrop, supported by Quinn, to grant Conditional approval of the 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) Approval is conditioned on condition 1 and basis points 1-2 as described in In Schweitzer’s memo dated June 22, 2023.

- Motion Carried (7-0) –
- Kape and Poyner absent -

Motion by Holtrop, supported by Benoit, to grant Conditional approval of the revised site plan dated 06-15-23, for the Huntington Bank ATM at 2956 28th Street, SE as described in Case # 13-23. Approval is conditions 1-3 with condition 2 modified to read “provide a cross access easement to the property to the east as depicted on their revised site plan along with City promotion of continued access to Radcliff drive when opportunity allows” and basis points 1 – 5 as described in Schweitzer memo dated June 22, 2023.

- Motion Carried (7-0) –
- Kape and Poyner absent -

J. Work Session

Case#14-23 – Storage Five Kentwood - Change in the Master Planned Land Use Designation from Commercial to Industrial for an 8.2 acre area of the property located at 1800-1900 44th Street SE

Golder stated this is a master plan amendment for the former Kentwood Village Mall and also trinity Health billing. She stated the applicant wishes to use 8.2 acres of the overall 13.30 acre property as industrial. The applicant intends to divide 3.32 acres along the 44th Street frontage into four new commercial outlots. A fifth outlot is proposed on the

southeast corner of the site, also intended to remain as a commercial parcel. Since the subject parcel is a platted lot, additional approvals for the land divisions will be required.

Golder stated in order to accommodate the change in use/rezoning, the Kentwood Master Plan must be amended to allow for the proposed industrial use. The change in use would only affect the 8.2 acres that includes the existing building; four retail pads would remain along 44th Street. Another 1.77 acres on Bowen Boulevard would remain for commercial use.

Golder stated the owner said that there has been no interest in the property for 3 years. The building located on the property is 116,057 square feet in area and has been most recently used as a medical call center.

Golder stated the applicant would like to use the building for climate controlled self-storage, requiring industrial zoning.

Golder stated the applicant approached the Master Plan Committee in 2023 to seek feedback on the amendment to the Master Plan. While the proposed self-storage use would generate very little traffic, concern was raised regarding rezoning to an industrial district, and whether permitted industrial uses (other than the storage) would be allowed. The Committee was concerned that variances would be needed to address the required separation of industrial uses from adjacent residential uses. Finally, concern was raised as to whether more self-storage is needed in the community, and whether the proposed use will be a detriment to the vitality of the area.

Golder stated In accordance with Section 10.3 C 4 of the Zoning Ordinance, no industrial building or storage can be located closer than 100 feet to a residential district or boundary. She stated the proposed is 34 feet from a residential use and would require a variance. A building may be permitted as close as 50 feet if that area between the building and the boundary is an unlighted landscaped buffer used for no other purpose. Further, no entrance other than a required emergency door can enter upon the area. In addition, an industrial rear yard adjoining a residential district must comply with Chapter 19 setback and screening provisions. Chapter 19 requires a 50 foot minimum wide buffer zone, with a 6-foot vertical screen with specific required planting materials within the screening area.

Golder stated the other issue is parking. If the property is rezoned for industrial use, 77 parking spaces would be required to be retained. The applicant could provide deferred parking. The applicant indicated that their parking need would only be 30 spaces. The 8.2 acre parcel proposed for industrial use includes 391 parking spaces. Since most of these spaces will not be needed, the applicant may wish to propose some alternate use that may be of some benefit to the neighborhood. She stated what we don't want it Uhaul rentals and people parking their RV's.

Chris Katanya, 40 Glimlock Ct. Sugarland TX 77479 was present. He stated his idea is to rezone the 8.2 acres to industrial. He stated if the back parking lot does remain he can develop it into more self storage. He stated he has Jiffy Lube under contract to purchase parcel 4, but it only happens if the master plan amendment goes through and rezoning. VanderMeer questioned if there are other facilities the commissioners can look at similar to the proposed. Katanya stated he would be happy to provide addresses of other storage facilities. He doesn't own one in town, but they do have a development project going on right now in downtown Grand Rapids; a conversion of an existing building.

Vandermeer questioned if a door in the back would help. Golder stated the doors would be more on the east part of the back of the building. Katanya stated there are no doors other than an emergency exit. Golder stated there is still going to be a variance required. She stated the reduction to 50 feet can still be applied if it is all going to be landscaped where it abuts residential use. Golder stated there is also fire lane going around the building. Fire is going to have to agree to give up part of the fire lane if it is going to be landscaped. Katanya stated they spoke to fire there could be a case where they can landscape part of the fire lane but fire can still access the building. Golder stated a self-storage is quiet and there will be less activity than there was with all the various uses that have occurred over the years.

Vandermeer questioned if we can change the recommendation so that the special land use would only pertain to self-storage. Therefore, that if they sold it or closed it, that it would revert back to commercial versus industrial. Golder stated only if it was a conditional rezoning, or a PUD can we do that. We are only looking at the Master Plan amendment right now.

Vandermeer stated it would be a nice gesture if we turn the back into some greenspace. Golder stated the city doesn't want to have to maintain a park. Golder stated we have a housing shortage so maybe housing is the answer.

Quinn questioned if we have any other industrial zoned properties in close proximity to residential. Golder stated the only one she can think of is near Division and 54th Street. Quinn stated he struggles with this proposal.

Benoit stated we are talking about master planning the property for industrial. He stated when someone comes in with an industrial use it will be hard to say no. He stated he struggles with getting this to industrial for this reason.

Katanya questioned if he could do a Master Plan amendment with a condition that it will only be a certain use. Golder stated we have used that in the Master Plan off of 36th Street. The only way to ensure that you get something you don't want is conditional zoning or PUD. She thinks we can put that as a condition.

Holtrop stated his biggest hurdle is guaranteeing what type of industrial. He stated his only comfort is the variances, we would have that to be able to prevent and block some sort of use that we don't want.

Holtrop questioned what would a PUD look like. Golder stated they would have to come in with a description of what they are doing. He stated he can see a change in the Master Plan. However, it seems kind of strange to put storage spot right in the middle, but with the variances and things in place for what you can do in industrial he thinks we will still have some control over it. Golder stated it does limit any future use of that property should the self-storage not work out. Discussion ensued.

Porter stated the lot in back is up against residential and we would have to control that in the PUD when that comes up. He stated he likes the idea of greenspace too bad Park and Rec can't do it. He stated the applicant mentioned residential but is there access. Katanya stated he drove it and there is access but once you're in there it would have to be something creative maybe make a cul-de-sac into the property. He stated it hasn't been explored yet.

Schweitzer stated if you are inclined to feel that this might be a good fit for this location there is another option. Instead of going through a master plan change to industrial; another alternative will be to consider whether or not self-storage should be an allowed use in the commercial zone and amend the ordinance. If they are going to consider allowing it, he would suggest that it be a special land use to makes sure it is a good fit for the particular location. Schweitzer stated he doesn't like it either way, but he thinks this might be less stretching out zoning and master planning for the community. Golder stated if we went this route, she thinks that every vacant commercial building would consider self-storage use and she would be concerned. Pung stated it would be a special land use for climate control self-storage with no unit having exterior access. That would eliminate the industrial district where each one has a sliding door. It would have to be climate controlled, and all access is from inside the building. It would not be as easy to convert a commercial building. Discussion ensued.

VanderMeer suggested checking with the City Attorney to see which route would be the better route to go to protect the City.

Jones stated she has a little heartburn turning this into self-storage because of the high visibility of that building with the potential of Jiffy Lube.

Case#15-23 – EquipmentShare- Zoning Ordinance Text Amendment(Consideration of Special Land Use Open Air Heavy and Industrial Equipment Sales, Rental and Service)

Pung stated the applicant is requesting amending the zoning ordinance to add construction and industrial equipment sales and rental as a special land use in the industrial district. He stated currently there is allowance for an indoor sale of such equipment as a permitted use. They also wish to display their equipment outdoors. This

will be an open air business and open air businesses are not currently allowed within the industrial district.

Pung stated open air businesses are currently limited to the following zoning districts as special land uses:

- C2 Community Commercial
- C3 Regional Commercial
- C-PUD Commercial Planned Unit Development
- M-PUD Mixed Use Planned Unit Development
- FBC Form Based Code

Based on the type of equipment that is proposed for sale or rent it would be reasonable to locate such a use in an industrial district as opposed to a commercial location.

Pung stated right now they have it worded construction and equipment sales and rental, with no distinction of inside versus outside. He stated because we have allowance for interior they need to specify that this will be outdoor storage/display of construction and equipment rental.

Pung stated the applicant has not offered any specific site design criteria that would apply to *Construction and Industrial Equipment Sales and Rental*. If it is deemed necessary to apply specific standards (limit to height of displayed equipment, screening requirements, limits to front yard display, etc.), they should be identified within Section 15.04 of the Zoning Ordinance.

Pung stated the general special land uses would still apply but if there are specific standards we would like to see, we need to address this through special land use.

Brian Sikkema, Highpointe Real Estate, on behalf of Steelcase 5500 Cascade Rd SE was present. He stated this request is more of an industrial fit, it is business to business sales and rental. He stated they feel like this is a great use, it is a unique site and fits within very well. It is already screened well with buffers. He stated they are open to ideas. They believe it is going to be a good neighbor. He stated EquipmentShare is proposing one curb cut, they do not have a plan for the vacant land next to them yet.

Sikkema stated the traffic is limited. They are delivering to the customer larger items. He stated they believe it is more appropriate in the industrial district than the commercial district. He stated they plan to locate some smaller equipment along the front and larger equipment in the back. He stated they will temporarily be using Steelcase's drive. He stated there will be fencing around the site between EquipmentShare and Steelcase.

Porter stated having this use in the industrial zone is valuable. He stated his concern is the aesthetics. He questioned if there is a way you can determine what it will look like and how tall things can be. Kent Fleet, 2842 Ardella, Hudsonville, MI was present. He stated

the equipment they have stored will not be taller than the berm. He stated you won't see it from the road.

Sikkema stated for EquipmentShare this is a unique site with the big berms and the setbacks they have, they are not going to make it tough for the next guy to put one next door. They have some good berming.

Holtrop questioned regarding text amendments how and when would we do specific site design standards. Pung stated under the special land use, there is a section that deals with site design criteria. Pung stated the applicant is willing to offer some site design standards. Discussion ensued. Holtrop stated he is ok with the request but wants to tighten up when the time comes what can be done on the site as a special land use. Schweitzer assured the commissioners that Pung's staff recommendation would include site design standards.

Benoit, Quinn, VanderMeer concurred with Holtrop.

Jones stated the only thing she was concerned about was the visibility and was happy to hear they have berms.

K. New Business

Motion by Holtrop, supported by Benoit, to set public hearing date of July 25, 2023, for: Case#16-23 – Kum & Go – Special Land Use and Site Plan Review for a Vehicle Fuel Station located at 2975 and 2995 28th Street SE

- Motion Carried (7-0) –
- Kape and Poyner absent -

L. Other Business

1. Commissioners' Comments

2. Staff's Comments

M. Adjournment

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

- Motion Carried (7-0) –
- Kape and Poyner absent -

Meeting adjourned at 8:45pm.

Approved Minutes
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Respectfully submitted,
Ed Kape, Secretary