

APPROVED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
JANUARY 9, 2024, 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: Bill Benoit, Dan Holtrop, Sandra Jones, Ed Kape, Alex Porter, Ray Poyner, Doug VanderMeer, Sarah Weir
Members Absent: Darius Quinn (with notification)
Others Present: Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Planning Assistant Monique Collier, the applicants and 1 citizen.

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

- Motion Carried (8-0) –
- Quinn 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 Kape, supported by Commissioner Poyner, to approve the Minutes of December 12, 2023.

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

- F. Approval of the Agenda

Motion by Commissioner Poyner, supported by Commissioner Porter, to approve the agenda for the January 9, 2024 meeting.

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

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

There was no public comment.

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

Golder stated the request is a commercial development rezoning and a CPUD site plan of 10.4 acres at the NW corner of Patterson Avenue and 36th Street. She stated currently it is zoned IPUD, with one parcel that is currently zoned single family residential. The surrounding zoning to the north is R1-C, to the south is I-1, to the east in Cascade Township it is industrial, and to the west is IPUD, which is the current zoning of the property.

Golder stated the request has been before the commission a few times and the applicant has since made some changes. She stated the right-in, right-out driveway now appears on the plan on Patterson. Therefore, there will be one full service driveway on Patterson and one right-in, right out only driveway on Patterson. She stated this has been required by the Kent County Road Commission.

Golder stated with respect to the gas station the applicant shows the gas pumps flipped with the C-Store. She stated now the C-Store is on the corner and the pumps are further away from the corner.

Golder stated staff asked for a 5-foot easement for the non-motorized trail. She stated the sidewalk right now is in the ROW, but an additional 5 foot is required as per our non-motorized plan, therefore, the applicant is showing the additional 5 feet. She stated as the non-motorized trail goes through the right-in, right-out, driveway it has to go west into the property, therefore the full 10 foot easement would be required at that point. Golder stated we are requiring the non-motorized path to be built along with phase one of the development.

Golder stated staff has more information on architectural style. She stated we now have two samples. She stated this might be a traditional looking development or more contemporary. She stated but the applicant also indicated in their description that everything will be consistent and unifying throughout the development. We will have to wait to get the final site plan to know what that means exactly.

Golder stated the applicant has provided some basic information on lighting. They said they will meet the City ordinances. She stated we don't have a design for the gateway, but the applicant said it will be constructed in phase one. She stated as a condition of approval we are looking for the entryway feature to go through the Arts Committee. The applicant stated the gateway will be coordinated with the architecture of the building.

Golder stated we have additional information on the landscape berm it is 3 feet and intended to mitigate impact of all the parking areas on the site.

Golder stated we have a list of waivers: for the building height for the hotel, the front yard setback in phase 3, parking in the front yard for a few of the buildings and signage waivers for parcel 3, 4 and 5. She stated parcel 3 there is ground sign that will advertise other buildings in the PUD. She stated on parcel 4 there is ground sign that will advertise the hotel. It is in the PUD, but it is offsite from the hotel. She stated on parcel 5, the parcel cuts in front of the restaurant and the sign is out by the street, it is an offsite sign, but within the PUD. She stated they also show a 24 square foot directional sign that would advertise the potential future industrial use to the west. She stated that is offsite from the PUD and that is not permitted. She stated it would be a use variance and we do not do allow use variances. She stated instead the applicant is going to create a flag lot so the sign can sit on a 5-foot wide part of the IPUD. Otherwise, there is no way to have a directional sign for the industrial use to the west. As a result this will slightly reduce the size of the rezoning area by 3,000 square feet.

Golder stated she is recommending to the City Commission conditional approval of the rezoning of 10.57 acres of land and Preliminary Site Plan review described in her memo dated January 3, 2024. She stated she is also recommending the removal of the diesel pumps.

Jim Morgan, with RJM design was present. He stated KCRC has approved their south driveway on Patterson as a right-in, right-out. He stated it is not their choice, but they are accepting that.

Morgan stated the gas station orientation has been flipped as per the Planning Commission requested. He stated in his January 2 memo under item 2, the plan from December 5 had the orientation of the gas station different. He stated that is the way all the gas station prospects want it. He stated they want their customers to see the gas pumps as they are driving down the road. That is standard orientation for gas stations. He stated they are confident that if they were in the next level of architectural design, he could show what they had in mind for that gas station (in particular the canopy). They think they can do something spectacular with the canopy and with the building. He stated it will be a good welcoming feature for the City of Kentwood and set the tone for the whole development. He stated he would like the option to remain open for review during the final site plan approval when architectural drawings can be presented. Morgan stated the architecture design they show 2 different designs and in Golder's report she indicates that the applicant chooses one or the other. He stated he isn't sure that is true, there is a style called transitional and it is taking traditional designs and making it more contemporary. He stated it could be a blend of the two.

Morgan stated regarding the diesel he stated they spent a lot of money on the traffic impact study. They studied that, and, in the report, it says the diesel fueling position is anticipated to generate minimal traffic particularly during the peak hours. Morgan stated they don't expect a lot of traffic created by diesel fueling. Diesel fueling is a desired element of all the gas station prospects that they have been in contact with.

Morgan stated the diesel pump location is not highly visible from any public ROW. He stated there is a PUD operating agreement which is different than the agreement with the city. This is a PUD agreement amongst the owners and people who are leasing property and running businesses. He stated they can clearly put in the PUD agreement that there is no truck parking. Trucks can fuel and go but you aren't allowed to park. He stated therefore, they can control the parking concern. If necessary, they can put signs up that there is no truck parking.

Morgan stated the thought of creating a second place to get fuel possibly offering diesel sales on the industrial property is not practical. He stated years from now diesel trucks could be replaced with electric trucks and the pumps would be electric charging stations. He stated they would appreciate the Planning Commission allowing the small diesel fueling area to remain on the site plan.

Morgan stated they have a landscape bed just to the west of the diesel fueling where they can plant several large evergreen trees. If the view to the residential (which is more than 1,000 feet away) they can put additional evergreen trees right on the west property line.

Jones opened the public hearing.

There was no public comment.

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

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

Kape questioned if the retention pond was big enough for the site. Morgan stated it has been approved by Engineer. Discussion ensued regarding the ponds. Morgan stated not only is it sized for the 10-acre commercial, but the additional industrial to the west. Kape questioned who approves the waivers. Golder stated the Planning Commission makes the recommendation that goes to the City Commission and then the City Commission can approve.

Benoit thanked the applicant for flipping the gas station. He stated he has no problem with the diesel pump.

Holtrop stated the right- in, right-out when he looked at it the right-out looked pretty straight is there a standard. Morgan stated the drawing came from Tim Haagsma with KCRC. Morgan stated there is a decel lane there. Holtrop stated the sharper that right turn out is, the more we can prevent people from going left. Holtrop questioned how the diesel trucks would get into the site. Morgan explained how they would but said he doesn't know about the truckers. Holtrop stated he is ok with having the diesel pump since Morgan volunteered increased screening.

Porter stated regarding the signs, he would definitely want the signs at the driveway. Porter stated he likes the idea of the extra screening on the diesel pump. He stated his thought is all of these businesses are going to have large truck delivery anyway whether the diesel pump is there or not. He stated removing that pump will not remove large trucks he is ok with that. Porter questioned if there is language that makes it clear as to when the sidewalk is going to be built. Golder stated if the commissioners don't think it is clear then we can clarify it, but she thinks it is clear that it has to be built with phase 1 of the development. Golder stated we are asking for the sidewalk up front it will be too hard to go back and get the sidewalk built later.

Poyner stated he concurs with the fellow commissioners regarding the diesel pumps. He stated he isn't worried about that. Poyner had concerns about the trucks maneuvering on the site. Morgan stated the Fire Department put templates on the plan and they said everything works, fire trucks have big turning radiuses. Golder stated she doesn't think it is consistent with pedestrian access to the site. Poyner stated he would still support the diesel pumps.

VanderMeer questioned if he needs a separate diesel pump for 18 wheelers. Morgan stated that some of the prospects will offer diesel at the main canopy for small trucks and for cars. Morgan stated you would have a really hard time getting in there with trucks, the circulation wouldn't work. VanderMeer stated he is ok with the diesel pump. VanderMeer stated he would like to see the gas pumps along Patterson, he thinks it is a better visibility and a better look. Morgan stated that is why he put in his memo the opportunity at final site plan review to show the gas pumps both ways. Morgan stated they really think the architecture works better with the pumps facing Patterson. Morgan stated the key is the canopy. They think they can show the commissioners something Kentwood could be proud of. He would like the opportunity to show the commissioners that the idea has merit. VanderMeer stated he would like to see the gas station options both ways in fairness especially if there are major gas stations that would prefer something different. Discussion ensued.

Porter stated all of the utilities will be on the other side. He stated until we see the architecture we really don't know. He stated he would also like to keep the options open and also see the gas station both ways.

Jones stated in terms of the gas station flipped or not, she is open to flip it but at this point she doesn't want the pumps on the front. She thinks it would be better to have them on the back because this is the entry into the City of Kentwood and would rather not see gas pumps. She questioned if the applicant has a reference point of a spectacular canopy. She would be happy to see one. She stated she is willing to look at the spectacular rendering that their architect might provide.

Jones questioned who they anticipate using the diesel pumps. She stated Pacific Pride is just down the street. Morgan stated the industrial area is very large. It is not all semis

there are various size trucks and they are all fleets, it is the smaller trucks that would benefit having the service there. Jones stated she appreciates the right-in, right-out. Golder stated as they deliberate at how to make the motion, they might want to take the waivers separately just so it is clear that they are approving them. She stated with the understanding that it is going to be redrawn to include the 5-foot stretch of industrial property that extends out to Patterson. Golder stated we will have a new site plan with a legal description on it that reflects that.

Motion by Benoit, supported by Poyner, to recommend to the City Commission to approve the 4 waivers under K from RJM Designs December 5, 2023 memo.

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

Motion by Benoit, supported by Holtrop, to recommend to the City Commission conditional approval of the request for rezoning of 10.5 acres of land located at the northwest corner of Patterson Avenue and 36th Street from I-PUD Industrial Planned Unit Development to C-PUD Commercial Planned Unit Development as described in Case No. 29-23, and Preliminary Site Plan Review for the site plan dated January 2, 2024, for GRR Ancillary CPUD as described in Case No. 29-23. Approval is conditioned upon conditions 1-10 deleting the bullet point under condition 1 and deleting condition 4 and basis points 1 – 10 as described in Golder’s memo dated January 3, 2024.

- Motion Carried (6-2) –
- Yays- Kape, Benoit, Jones, Holtrop, Poyner, Weir
- Nays – Porter and VanderMeer
- Quinn absent -

Porter and VanderMeer stated they would have liked to amend the motion to allow for the applicant to submit renderings of the gas station both ways. Golder stated if they brings in a plan that shows the pumps back on Patterson, it would simply need to be reviewed by both the Planning and City Commission as a major change.

I. Public Hearing

Case#25-23 – Master Plan Amendment 52nd and Broadmoor Ave – Change in the Master Planned Land Use Designation from Industrial to Commercial located in the northeast quadrant of 52nd Street and Broadmoor Avenue

Schweitzer stated the request is to change the Master Plan designation from industrial to commercial in the northeast quadrant of 52nd Street and Broadmoor Ave.

Schweitzer stated the applicant submitted a one-page narrative and conceptual site plan and conceptual interior floor plans for a pickleball and wiffball restaurant and interior and exterior recreational sports courts. He stated the restaurant use is allowed by special land use and site plan review under the existing zoning, however the recreational sports are not allowed under the industrial zoning.

Schweitzer stated there are two properties that are not a part of his application, but, as we have gone through this process from a staff perspective, we have urged the Planning Commission when they are considering these 4 parcels that they also consider the 2 on the corner.

Schweitzer stated it is important to note that there is commercial development across the street.

Schweitzer stated one thing that came up was the relative supply of industrial real estates. He stated there was of a *Crain's* article that dealt with sufficiency of industrial uses in this area of the community. He stated the October 10 staff report provided a couple of market reports from NAI Wisinski and JLL both provided their perspective of the market.

Schweitzer stated the Planning Commission asked, the City Assessor to provide some perspective on property if it is commercial versus industrial in terms of the relative value. He stated at that time the Assessor stated that industrial goes for about \$75,000 dollars an acre and commercial goes at about \$152,000 or better per acre.

Schweitzer stated we also looked at the size and the configuration of the property. We also looked at it relative to the commercial across the street. They are both triangular in shape and size. He stated we saw some similarities in terms of east and west sides of Broadmoor. Likewise it was pointed out how comparable the property development on the SE quadrant of the intersection of the intersection might be to this property. He stated when you are talking about size and configuration, that can have a bearing on how productive you can be with different types of uses on the site.

Schweitzer stated Broadmoor Avenue and 52nd Street have been a part of the conversation. These are smaller properties. The more it is segmented, the more difficult it is to get some continuity between the properties in terms of the use of it. He stated staff went to the East Beltline Advisory Board, the KCRC and MDOT for input. A property of this size they are looking for one driveway onto Broadmoor Avenue. The driveway will be located at about the midpoint of the cross over between south bound and north bound and north bound to south bound. We are looking for one driveway onto 52nd Street in order to accommodate the movement of vehicles. There will be a full movement driveway on 52nd Street as far east as practical. We want to accommodate not only traffic that is going east/west, but also those that are coming off Broadmoor and wishing to enter the property through the 52nd Street Drive, or, they have the option entering and exiting the property along Broadmoor.

Schweitzer stated there was a concern by a couple of planning commissioners and city commissioners about whether or not it was wise to develop valuable industrial real estate as commercial. The City Commission were also seeking to get the impact analysis. He stated within the packet there was information from Paul Isley with Grand Valley State University Sedman Business School. He stated it is very basic but it gives some perspective on the relative economic impact in the area depending on how it is developed.

Schweitzer stated it is staff's recommendation to grant conditional approval of the request of Andrew Anderson, for the proposed change in the Master Plan Land Use designation from Industrial to Commercial for the Northeast Quadrant of 52nd Street and Broadmoor Avenue (M-37) for the properties Mr. Anderson has under contract (5080, 5090 and 5140 Broadmoor, and 4581 52nd Street) as well as the properties immediately to the south fronting on 52nd Street (5180 Broadmoor Avenue, SE and 4561-52nd Street, SE)

Schweitzer stated part of the recommendation is that the properties shall be developed as a Commercial Planned Unit Development (CPUD) to establish integrated shared access consisting of no more than one City of Kentwood approved driveway onto 52nd Street and no more than one Michigan Department of Transportation (MDOT) approved driveway onto Broadmoor Avenue. The designation to commercial shall also provide that a comparable commercial configuration may also be considered by the city if consistent with the purposes identified herein (e.g., necessity of shared access, necessity of reciprocal access, necessity of access in accordance with Michigan Department of Transportation design and safety standards.)

Schweitzer stated the second condition states: Reciprocal access easements shall be established between all adjoining properties within the overall described northeast quadrant.

Jones opened the public hearing.

Derrick Anderson, owner of the adjacent property at 5060 Broadmoor was present. He stated he is in favor of the request.

Motion by Holtrop, supported by Porter, to close the public hearing.

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

VanderMeer stated he agrees with the recommendation, his only question is on the service drive. He stated if he were to invest in the corner property he might want to have an entrance on to Broadmoor and if he can't have that how, would people on Broadmoor get into their entry if you can only have one entry off of 52nd. Schweitzer stated that is the requirement to have reciprocal access easements between all the properties.

Poyner stated he feels that there is going to be much more value added in industrial versus commercial. He stated the argument is that it has been vacant, but you can't look at history as a reflection of what exists today as far as potential future demand because the economy is different today.

Porter stated he is in favor.

Holtrop stated he is in favor. He questioned the thoughts of the other two property owners. Schweitzer stated they would like to see what was proposed by Kum & Go in January of 2022. They initiated a process to amend the Master Plan from industrial to commercial. They made application January 10 and withdrew the application Feb 17. He stated they want Kum & Go or a gas station C-Store at that location. Schweitzer stated he also made them aware that part of this recommendation is about shared and reciprocal access. If they should come to the City to make application, they are aware that shared access would be part of it.

Motion by Holtrop, supported by Kape, to grant conditional approval of the request of Andrew Anderson, for the proposed change in the Master Plan Land Use designation from Industrial to Commercial for the Northeast Quadrant of 52nd Street and Broadmoor Avenue (M-37) for the properties Mr. Anderson has under contract (5080, 5090 and 5140 Broadmoor, and 4581 52nd Street) as well as the properties immediately to the south fronting on 52nd Street (5180 Broadmoor Avenue, SE and 4561-52nd Street, SE). Approval is conditioned on conditions 1-2 and basis point 1-6 as described in Schweitzer's memo dated January 4, 2024.

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

J. Work Session

Case#1-24 – Storage Five Kentwood LLC – Rezoning of 5.87 acres of land from C-2 Commercial to Conditional I-1 located at 1800-1900 44th Street SE

Golder stated the applicant wants to use the former Trinity Building as a self storage facility. She stated the request is to rezone 5.87 acres of land from C-2 Commercial to Conditional I-1. She stated the applicant has voluntarily offered restrictions for the use of the property.

Golder reviewed the voluntarily offered restrictions:

- *only self-storage use;
- *only permitted within the existing building footprint;
- *the other property that is not building would only be for parking and ingress and egress;
- *all the units fully enclosed within the building;
- *no additional building and structures would be allowed;
- *there will not be any additional height (24 feet);
- *they would improve the façade of the self storage facility;

*The building is 116,000 square feet and in the industrial zone self-storage is permitted by right.

Golder stated the applicant would divide the remaining 3.32 acres along 44th Street into 4 lots that could be developed as commercial outlots. She stated the back lot would remain commercial.

Golder stated there are 77 parking spaces required. There is adequate parking. If you have an industrial building it has to be 100 feet from an adjacent residential use. They don't have that between them and Tamarisk Apartments. Therefore, they have to go to the ZBA because they are 34 feet from the lot line.

Golder stated when we look at the zoning guidelines what you will notice is that this is not consistent with the Master Plan. Golder stated the applicant stated even though the land use is not consistent, there are other elements of our Master Plan like sustainability use of existing vacant buildings, the proposed use is consistent with this aspect of the Master Plan.

Chris Catania, was present. He displayed a map showing the cross-access easement circulation so that all the properties work together as it is developed and everyone will have proper circulation. He stated the site has been reduced to just over 5 acres. He stated all access to the storage is internal. He stated they have prepared some renderings, and they are open suggestions with respect to the colors of the building.

Catania stated the area in the back there are Fire Department connections. He stated they talked to the Fire Marshal, and they need to keep the area accessible to fire equipment. There was discussion of putting pole gates to restrict usage along the south side of the building by typical customers to eliminate lights or any type of disturbance to the neighbors. Fire was ok with that as long as a knockbox is installed.

Catania stated they believe this plan is consistent with the overall objective of the Master Plan.

Catania stated Trinity Health is supporting the project. They submitted a letter outlining the history of the property, the zero lack of interest from any other user at any price other than what they have proposed. He stated the letter also outlines how they and their legal team believe the development plan is consistent with the overall objective of the Master Plan.

Dave Caldon with Varnum LLP, counsel for the applicant was present. He stated he realizes that there was concern about the compliance of this particular conditional rezoning with the Master Plan. He stated a rezoning of a portion of the property is not consistent with the future land use plan of the Master Plan. He stated however, he thinks that the Master Plan has a number of competing goals. He stated it is appropriate when you look at a rezoning, if it doesn't meet every goal of the Master Plan, it is not

necessarily problematic. This conditional rezoning facilitates and encourages the commercial use of the portion of this site that are primed for commercial use. He stated this site is currently vacant, it is severely underutilized. He stated the design of this project would enable the construction of new vibrant commercial on 44th Street instead of the big underutilized parking lot. He stated it would also allow commercial at the back of the site; it would be a transformative approach for this site. It would expand the tax base, it would contribute not only to the revitalization of this site but also the whole 44th Street corridor. They think that allowing some industrial in the middle of this property really facilitates and unlocks the vibrant commercial development on the frontage.

Caldon stated one of the key goals in the Master Plan is sustainability. He stated Kentwood Master Plan on page 65 states that a key aspect of sustainability is the redevelopment of vacant buildings in underdeveloped sites before undertaking the development of greenfields. He stated this proposed use would do that. It would provide for the use of the existing building instead of putting it on a greenfield site resulting in sprawl. He stated additionally Kentwood's Master Plan talks about minimizing waste on page 32. He stated in addition to reducing sprawl if they tear down the existing building to make the site suitable for a different commercial use effectively what you wind up with is a bunch of waste from that demolition and then you wind up with the consumption of raw materials in the construction of the new building. He stated both of these things are noted in the Master Plan as things to try to avoid.

Caldon stated because this existing building is not suitable for commercial use. We know that because the property has been listed for several years now and there have been zero offers for commercial use at any price. There have been two offers to use the property for a self-storage use. He stated this use is one that will meet the sustainability goals of the Master Plan and unlock the value of this site to the community.

Caldon stated permitting the adaptive reuse of the existing structure for the proposed self-storage use serves to allocate and preserve the I-1 industrially zoned areas of the City for more conventional industrial uses. He stated on page 30 the Master Plan stated that alternative energy advance manufacturing, medical devices, information technology, and agri-business, food processing are all key sectors that are pivotable for the long-term job growth and sustainability of the job market. He stated while all of the uses may not be practical on this site, they are practical for other industrial zoned property in the City which would be preserved by the adaptive reuse of this building. He stated indirectly by using this building for an adaptive reuse as proposed, it would facilitate the goal of preserving those industrially areas for the growth of both new and existing jobs.

Caldon stated he thinks there is a wealth of support for the concept that this proposed additional rezoning really is in fact consistent with many of the goals of the Master Plan.

Caldon stated a letter was prepared by the owner of the property Trinity Health addressing the situation that the property is currently in and the difficulties they have had with finding a user for the property for commercial use. He stated under Michigan law

whether or not you can put a property to reasonably use for the condition for which it is presently zoned is a key consideration in determining whether or not to rezone the property. If you can't use the property for the purpose for which its zoned; a rezoning is appropriate. He stated that is not withstanding what the Master Plan says it is separate and apart from the Master Plan. He stated there is a separated basis. They think this is entirely consistent with the Master Plan, but putting the Master Plan aside there is a separate legal basis to support a rezoning in this case for that reason. He stated they will provide copies of the letter and it will be in the packet for the next meeting.

Caldon stated this use is consistent with the Master Plan and even if it wasn't they think there is a good basis for a rezoning of this site for all the other reasons mentioned. He stated they would love to work with the City to make this happen, They think it is the best use for this site. It will eliminate what is a little bit of an eyesore presently and it will unlock the potential of this property and the whole corridor on 44th Street.

Holtrop questioned the rezoning with the residential district; is he going with the 50 feet buffer or the 100-foot buffer. Golder stated they would have to go with the 100 foot buffer. Catania stated in the staff report it states that if it is an unlit, unused landscaped area it can be 50 feet. Golder stated you can't landscape if you have fire access. Catania stated there is a strip that is 6 feet wide against the fence in the apartment complex that they can add some of the tall evergreens to screen

Holtrop stated he was one that didn't like the look of storage. He questioned if the commissioners will have any input on the renderings later. Golder stated if it is rezoned it is permitted by right unless the applicant offers it. Holtrop stated in his opinion if you look through the clear glass of a storage facility and you see all the storage doors it is very unsightly. He stated he would ask that they shade or tint the glass.

Porter stated there was mention from the attorney about a law about rezoning use and questioned if that citation was available. Cauldon distributed copies of the letter from Trinity Health and their attorney.

Poyner stated there was discussion about making sure the self-storage doesn't go outside the building. Poyner stated staff mentioned that self-storage adds no value to the area only benefit to those who need storage. However, the attorney mentioned that it would unlock the value or potential of the site to commercial. Poyner stated he is in favor of the request because it is not being used but he understands staff's point. He doesn't really know what it is going to do for the area. Caldton stated the concept of having a vacant building that is closed up is not great for area of vitality. Caldton stated what he was getting at is, the whole area in the front is effectively a large parking lot with not fantastic pavement. He stated part of the reason Trinity Health has not done anything with it or not been willing to parcel it off and try to facilitate a development is because it is unclear what is going to happen with the building. It is possible that there could be a use although nobody has found one where there would be parking required to use the building for some theoretical use. Caldton stated again, for years it has been listed and nobody has

come up with that use and he's not even sure it exists, however, there is a reluctance to do anything with all this parking because they don't know what it is going to be needed. This self-storage use requires very minimal parking. He stated over 70 spaces are required and they will probably only use 10 on average basis. He stated what this does is unlocks all the balance of the property for development.

VanderMeer questioned what is going to keep someone from not going east or west behind the building. Catania stated after they met with fire, they determined they could put two gates there it would eliminate that from happening and hopefully minimizing any kind of disturbance to the apartment complex. VanderMeer stated one of the biggest problems was the residents and the sound and that has been addressed because of the hours of operation VanderMeer questioned if he has thought about sound walls. Catania stated he thinks this use is such a light use.. Vander Meer stated another issue was the back parking lot and the unknown of what could go in there. Catania stated it will not be storage. Golder stated it remains C2 and if it becomes a parking lot for used cars then enforcement would have to address. If weeds starts to come up through the pavement code enforcement would have to address.

Discussion ensued regarding the concept of the Master Plan and the use of the building.

Case#2-24 –Rezoning of 6.11 acres of land from I-1 Industrial to Conditional C-2 Commercial Located at 5080, 5090, 5140 Broadmoor Ave SE and 4581 – 52nd Street SE

Schweitzer stated the commissioners have conditionally approved the Master Plan change. The City Commission reserved their right to review to accept or reject the change. He stated the City Commission will review the Planning Commission action on January 16. He stated, based on the action taken by the Planning Commission, it does lend itself to consideration of a rezoning request relating to just the four properties on Broadmoor that are under contract to Mr. Anderson.

Schweitzer stated Mr. Anderson's request is for conditional zoning. He stated the basis for the conditional change in the land use was to ensure the development of this quadrant would be integrated. What they are proposing lends itself to that integration. They agree to shared access of the drives onto 52nd Street and Broadmoor. He stated they are also indicating that they will provide access easements to those corner properties, and it will lend itself to an integration to those properties.

Schweitzer stated in the main part of the approved Master Plan recommendation was a condition that the property be developed as a Commercial Planned Unit Development (CPUD). However, the designation to commercial shall also provide that a comparable commercial configuration may also be considered by the city if consistent with the purposes identified herein (e.g., necessity of shared access, necessity of reciprocal access, necessity of access in accordance with Michigan Department of Transportation design and safety standards.) Schweitzer stated straight C-2 zoning would not meet that

qualification. However, from a staff perspective, the proposed conditional rezoning to C-2 is responsive to the Master Plan conditional change.

Schweitzer stated the applicant has provided a site plan and he would suggest that this is representative of what they intend to do in terms of the access drives along the Broadmoor and 52nd Street frontages. They are showing the Broadmoor drive to run to the south lot line of the aggregated properties. He stated the drive along the east part of the property out to 52nd Street is likewise going to make allowance for shared access.

Schweitzer stated staff had the opportunity to circulate the plan to Engineering and Fire because under C-2, the indoor recreation facility, the restaurant, and the pro shop retail sales are permitted uses that do not require a site plan review by the Planning Commission. Schweitzer stated as part of the building permit staff review, engineering and fire review and identify any refinements necessary to meet city codes. During the staff review with the applicant prior to the work session Fire Marshal Pat Quick discussed fire lane coverage and supplemental fire hydrants that may be needed on the east end of the site. City Engineer Brad Boomstra indicated the proposed detention pond is not necessary since the city has a system of master ponds and this is tributary to the master pond located west of Broadmoor Avenue. There is already accommodation of pipe underneath Broadmoor to transport the stormwater. He stated that may give them more options as far as site development. Schweitzer stated as we work with MDOT and the City Engineer the driveways onto Broadmoor and 52nd Street, cross access for the adjacent properties will be included.

Schweitzer stated when he first talked to the owners of the two properties on the corner, they said the master plan change sounded good, but they expressed a desire to have a right turn in and right turn out on Broadmoor closer to their property. He stated he explained to them that based upon conversations we have had with MDOT, that will not happen. He also informed him that there would be shared access to a full movement driveway onto 52nd Street and they seemed ok with that.

He stated the rezoning request does not include the two corner properties and he indicated to the owners that they are going to have to come in with a rezoning request of their own to develop their site. If their intended project is a gas station/c-store, a Planning Commission special land use and site plan review will be required.

Anderson stated he is offering conditions to have the 52nd Street driveway a little bit further east away from the light and then the Broadmoor driveway will be moved further north. These are conditions he put on himself. He stated since they won't have to build a detention pond, he will probably add additional overflow parking.

Anderson explained the pickleball/Whiffle Ball/restaurant concept plan of the site and interior floor plan.

Schweitzer reminded the Commission that these plans will be reviewed on the staff level as part of the building permit application.

Schweitzer stated that during the initial LUZ Committee meeting there was discussion questioning the sufficiency of on-site parking. For this reason, we have informed Mr. Anderson's team that they would need to submit a parking operations plan to address daily parking needs as well as expanded parking needs for tournament events.

K. New Business

Motion by, Holtrop, ,supported by Benoit, to Set public hearing date of January 23, 2024, for: Case#2-24 – Rezoning of 6.11 acres of land from I-1 Industrial to Conditional C-2 Commercial Located at 5080, 5090, 5140 Broadmoor Ave SE and 4581 – 52nd Street SE

Set public hearing date of February 13, 2024, for: Case#3-24 – Breton Ravines RPUD – Rezoning and Preliminary PUD Approval for a Residential Planned Unit Development Located at 2720 52nd Street, 2854 52nd Street and 5491 Wing Avenue SE; Case#4-24 Midwest United FC Practice Facility – Special Land Use and Site Plan Review for a Small Group Fitness and Rehabilitation Training Facility Located at 3445 – 36th Street

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

L. Other Business

1. Election of Officers - (Chair, Vice Chair, Secretary)

Motion by Benoit, supported by Poyner, to maintain the officers: Chair Sandra Jones, Vice-Chair Dan Holtrop and Secretary Ed Kape

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

2. Commissioners' Comments

Holtrop stated he will be absent from the January 23, 2023 meeting.

Porter stated he will be absent from the January 23, 2023 meeting.

VanderMeer questioned if someone has followed up on the light shields for Kum & Go at 52nd and Kalamazoo. Goder stated we will.

3. Staff's Comments

Golder stated a developer would like to meet with LUZ either February 13 or 27.

M. Adjournment

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

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

Meeting adjourned at 9:30pm

Respectfully submitted,

Ed Kape, Secretary