

**AGENDA
CITY OF KENTWOOD PLANNING COMMISSION
TUESDAY, SEPTEMBER 28, 2021
KENTWOOD COMMISSION CHAMBERS
4900 BRETON AVENUE
7:00 P.M.**

Conf. Rm#119 - 6:30p.m. Master Plan Sub-Committee meeting (Holtop, Poyner, Quinn)

Conf. Rm#119 - Approx.7:45p.m. Zoning Ordinance Sub-Committee meeting (Brainerd, Benoit, Poyner)

- A. Call to Order
- B. Pledge of Allegiance (Mike Pemberton)
- C. Roll Call
- D. Approval of the Minutes of September 14, 2021
- E. Approval of the Agenda for September 28,2021
- F. Acknowledge visitors and those wishing to speak to non- agenda items.
- G. Old Business
- H. Public Hearing

Case#27-21- Bethany Christian Services – Proposed change to a Conditional Rezoning and Change to a Special Land Use Approval Located at 3220- 52nd Street

- I. Work Session

Case#28-21 – Kum & Go Store 2604 – Rezoning of 1.653 acres of land from C-4 Office to C-5 Neighborhood Commercial located at the southeast corner of 52nd Street and Kalamazoo Avenue

- J. New Business

Set public hearing date of October 26, 2021, for: **Case#29-21** – Equine Assisted Development - Major Change to Site Plan – Located at 3220 32nd Street SE;
Case#30-21- Zoning Ordinance Text Amendment

- K. Other Business

- 1. Commissioners' Comments

Agenda - Planning Commission

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2. Staff's Comments

L. Adjournment

*Public Hearing Format:

1. Staff Presentation – Introduction of project, Staff Report and Recommendation
Introduction of project representative
2. Project Presentation – By project representative
3. Open Public Hearing (please state name, address and speak at podium. Comments are limited to five minutes per speaker; exceptions may be granted by the chair for representative speakers and applicants.)
4. Close Public Hearing
5. Commission Discussion – Requests for clarification to project representative, public or staff
6. Commission decision – Options
 - a. postpone decision – table to date certain
 - b. reject proposal
 - c. accept proposal
 - d. accept proposal with conditions.

PROPOSED MINUTES OF THE REGULAR MEETING
OF THE KENTWOOD PLANNING COMMISSION
SEPTEMBER 14, 2021, 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, Catherine Brainerd, Dan Holtrop, Sandra Jones, Ed Kape, Clarkston Morgan, Ray Poyner, Mike Pemberton, Darius Quinn (arrived late)
Members Absent: None
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 Kape, supported by Holtrop, to excuse Quinn from the meeting.

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

Quinn arrived.

- D. Approval of the Minutes and Findings of Fact

Motion by Commissioner Holtrop, supported by Commissioner Pemberton, to approve the Minutes of August 24, 2021 and the Findings of Fact for: Case#23-21 – Speedway – Special Land Use and Site Plan Review for a Vehicle Fuel Station – Located at 4384 Kalamazoo; Case#24-21 -West Michigan Auto Glass – Special Land Use Minor Auto Repair and Site Plan Review Located at 5630 Division Ave SE; Case#25-21 – Cobblestone at the Ravines Phase 3 –Final PUD Site Plan Review Located at 4333 Shaffer Ave SE; Case#26-21 – WoodHaven Condominiums – Final PUD Site Plan Review – Located at 4624 Walma Avenue SE

- Motion Carried (9-0) –

- E. Approval of the Agenda

Motion by Commissioner Pemberton, supported by Commissioner Kape, to approve the agenda for the September 14, 2021 meeting.

- Motion Carried (9-0) –

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

Marc Daneman, 2557 Forest Bluff Drive, was present. He expressed his concern regarding Home 2 Suites Hotel. He stated construction for the hotel has stopped for quite a while now. He stated he would like to know what is happening. Jones stated that the Planning Commission had discussion regarding the hotel during the most recent meeting and are aware and staff will be contact with the representatives.

G. Old Business

There was no Old business

H. Public Hearing

There were no public hearings

I. Work Session

Case#27-21- Bethany Christian Services – Proposed change to a Conditional Rezoning and Change to a Special Land Use Approval Located at 3220- 52nd Street

Pung stated the request is to modify the conditions of both a special land use child caring institution and the conditional rezoning. He stated in 2004 the City approved both the conditional rezoning and the special land use for the child caring institution. A condition of both the special land use and the rezoning was that the capacity was limited to 8 children. Pung stated the applicant now wishes to increase that capacity to 12 children. He stated based on the prior approvals, both Planning and City Commission approvals are required in order to allow for a capacity of 12 children.

Pung stated there are no changes to the exterior of the site or the building. He stated all the work is will be done in the interior of the building. They are adding four additional beds. Pung stated the only concern that was raised was from the Police Department. They had some concerns with the number of calls to this site within the past couple of years. Pung stated that there has only been one call so far this year. However, in 2019 and 2020 they had the most calls. Pung stated in speaking with the applicant, they stated the calls can go in spurts depending on the children that are there. The children are there anywhere from 9 months – 1 year. The applicant indicated that they may have perfect children or a while and then you may have some that have more issues. He stated they have Federal requirements on when they have to call or make a police report.

Brainerd questioned if there was any concern regarding the sufficiency of space and the changes that are being made to accommodate additional children. Pung stated the changes are all interior. The applicant indicated that everything will be done on a lower level. The lower level was designed for beds in the future, but they did not initially finish the space for this purpose. Brainerd questioned the ratio of staff to children. Mr. Gonzalez, from Bethany Christian Services stated the ratio of staff to children is 6 to 1.

Brainerd questioned their typical turn over. Gonzalez stated the children are normally there anywhere between 9-12 months.

Morgan questioned if the caregivers stay in the home as well. Gonzalez stated there is an apartment attached to the house for a house parent. He stated right now it is not being utilized for that and it hasn't for the past year.

Pemberton wanted clarity on what 48 missing persons reports means that were referenced in the staff report. Gonzalez stated the Federal Government decided that anytime a resident leaves without authorization they have to file a police report. He stated now since they have asked for a reprieve they have a little bit of time before they have to file a missing person's report. He stated he doesn't expect the number to go up like it was in 2019 and 2020.

Benoit questioned if they will be an adult foster care medium group home. Pung stated they are called a child caring institution.

Jones questioned if residents are aware of the police reporting requirements and do they know that if they are gone for a period of time, that staff has to report it. Gonzalez stated yes staff communicates that with the children.

J. New Business

Motion by Holtrop, supported by Poyner, to set public hearing date of October 12, 2021, for: Case#28-21 – Kum & Go Store 2604 – Rezoning of 1.653 acres of land from C-4 Office to C-5 Neighborhood Commercial located at the southeast corner of 52nd Street and Kalamazoo Avenue

- Motion Carried (9-0) –

K. Other Business

1. Commissioners' Comments

Kape stated the food truck rally was a huge success this past weekend. He stated they tried something new with the beer tent. They offered wine by the glass and ordered seltzers on tap. He stated the beer tent made \$12,700 dollars before cost.

Kape stated the Kentwood Parks and Recreation Department will be hosting the Vibe. The event will be held at the Kentwood Library on Thursday, September 16, 2021. The cost is \$40 per person and the dress code is very casual. The monies raised from the event will go to the Adaptive Sports Program.

Pemberton questioned if there was any update on the Home 2 Suites Hotel. Schweitzer stated staff will confer with the Building Inspector to verify where we are and follow up with the commissioners at the next meeting.

Brainerd stated Gursha Ethiopian Restaurant at 44th and Kalamazoo celebrated the Ethiopian New Year on Saturday September 11. They put on a special event with buffet, dancing and coffee ceremony. She stated it is amazing and worth the commissioners time to check out.

Kape stated on 29th and Shaffer the commissioners approved that vehicle repair business in the past year. He stated he has noticed that there are cars sitting in front of the building, one on blocks with no tires and there were other cars in different stages of disrepair. He stated he thought they weren't allowed to do that. Schweitzer stated staff met with them recently, they are getting more business than they anticipated and are looking at coming back to the planning commission and expanding their special land use onto the property to the east. Schweitzer stated staff will initiate contact back to them and let them know they are going to have to clean up the site. Discussion ensued.

Jones stated the Auto Repair business next to City Line on the corner of 52nd Street and Division Avenue is not looking good. They have a lot of cars in poor condition parked outside. Schweitzer stated he has been in contact with them continually since they have moved in there. He stated staff let them know that they have to clean up the property or we will take enforcement action to get that addressed. Schweitzer stated there is also a property around the corner to the east that is in worst shape and we are working with them as well to get that addressed. Schweitzer stated there are probably 5-6 car operations city-wide right now that are in non-compliance.

2. Staff's Comments

Schweitzer stated scheduled in November there are going to be some joint meetings with the City Commission. Schweitzer stated to gear up for that meeting we are looking at some activities for the Planning Commissioners and the City Commissioners, those that are running for office to do over the next 6 weeks. We want to have all those running for local office to be prepared for that conversation in November. Schweitzer stated we will be giving them some assignments to go out in the area and look at some subdivisions and get them to think about what type of things are important in terms of appearance of our housing within the community, what features are desirable. Discussion ensued.

L. Adjournment

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

- Motion Carried (9-0) –

Meeting adjourned at 7:45p.m.

Proposed Minutes
Planning Commission
September 14, 2021
Page 5

Respectfully submitted,

Ed Kape, Secretary

PLANNING STAFF RECOMMENDATION

Pung 09/20/21

PROJECT: Bethany Christian Services Rezoning

APPLICATION: 27-21

LOCATION: 3220 – 52nd Street

HEARING DATE: September 28, 2021

REVIEW TYPE: Change to a Conditional Rezoning Agreement

RECOMMENDATION: Recommend to the City Commission conditional approval of the request to modify the Conditional Rezoning Agreement dated June 20, 2014, to increase the capacity of the child caring institution from eight (8) children to twelve (12) children. Approval is conditioned on the following:

CONDITION:

1. Maximum capacity of the child caring institution shall not exceed twelve (12) children.
2. Execution of a formal written revised Conditional Rezoning Agreement acceptable to the owner and the City and conforming to Section 3.29.C.2 of the Kentwood Zoning Ordinance.

BASIS:

1. In 2004 the State of Michigan passed Public Act 579 which makes allowance for the conditional rezoning of property. In a conditional rezoning an owner of land voluntarily offers in writing, and a city may approve, certain use and development of the land as a condition of the rezoning.
2. The proposed change is not anticipated to have a substantial and permanent adverse impact on neighboring property.
3. The proposed change would not have a tendency to create any type of blight within the area and would allow for reasonable use of the property and building.
4. Applicant's presentation at the Planning Commission work session and public hearing.

5. Discussion at the Planning Commission work session and public hearing.

August 13, 2021

Joe Pung

City of Kentwood

Dear Joe,

In 2014, Bethany Christian Services was given authority by the City of Kentwood to open a group home at 3220 52nd Street to house up to 8 refugee girls between the ages 15-17 through Bethany's Refugee Foster Care program. This state-licensed group home has been in operation since September of 2014 and we have served over 60 girls during that time. The girls in this home are typically in the program for nine months to 1 year and following a successful graduation from the home they typically move into a licensed foster home or a independent living situation.

Due to an increased demand for our services, we are requesting approval from the City of Kentwood to increase the home's capacity from a maximum of 8 girls to a maximum of 12 girls. Bethany has successfully run 2 other 12 bed homes for boys since 2012 and feel confident that we can increase this home without compromising the programming or the impact on the youth or the community. We plan to continue to provide 24/7 staff supervision and care for the girls. We will also continue to provide intensive case management, therapy, recreational and educational services.

Thank you for this consideration, please reach out if you have additional questions.

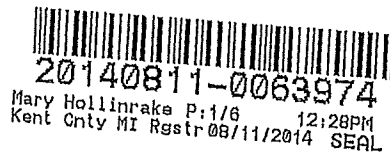
A handwritten signature in black ink, appearing to read 'Dana Anderson', with a large circular flourish on the left side.

Dana Anderson

Vice President Refugee Services

Bethany Christian Services

616-340-2339



REC'D KENT COUNTY, MI REG
2014 JUL 23 AM 9:04

REC'D KENT COUNTY, MI REG
2014 AUG -6 AM 9:08

CONDITIONAL REZONING AGREEMENT

THIS CONDITIONAL REZONING AGREEMENT is made this 20th day of JUNE, 2014, by Bethany Christian Services, a 501(c)(3) nonprofit organization, the mailing address of 901 Eastern Avenue; Grand Rapids, MI 49505 ("Property Owner" or "Applicant") and the City of Kentwood, a Michigan municipal corporation, the address of which is 4900 Breton Avenue, S.E., Kentwood MI 49508 ("City").

RECITALS

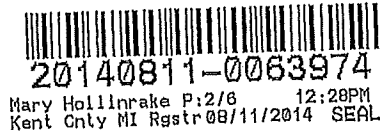
1. The Applicant is the fee simple owner of certain real property in the City located at 3220 52nd Street, S.E., having Permanent Parcel Number 41-18-35-100-001 and further legally described on the attached Exhibit "A," which is incorporated herein by reference ("Property").

2. The Applicant petitioned the City seeking a rezoning of the Property from its (then) R1-B Zoning District designation to a R2 Zoning District designation, as set forth in the City's adopted Zoning Ordinance, Ordinance No. 9-02, as amended.

3. As permitted by Michigan's Zoning Enabling Act, Act No. 110 of the Public Acts of 2006, as amended, and the City's adopted Zoning Ordinance, the Applicant voluntarily offered to limit the uses permitted on the Property as a condition of rezoning to the R2 Zoning District designation, if the rezoning is granted by the City.

4. At a regular meeting of the City Commission held on February 4, 2014, and upon recommendation of the City's Planning Commission, the City Commission approved the rezoning of the Property from R2 to C4 in reliance on the representations of the Applicant and the terms and conditions contained in this Agreement.

5. The parties desire to memorialize their understandings and agreements.



AGREEMENT

NOW, THEREFORE, in consideration of the promises and pledges contained herein, and in order to accomplish the foregoing purposes, the sufficiency of which the parties acknowledge, the parties agree:

1. The Property may not be used for any of the following:

- a. Two family dwellings
- b. Zero lot line, single family detached dwellings
- c. Assisted living group facility
- d. Adult foster care small group home
- e. Adult caring institution
- f. Adult day care facility

For purposes of interpretation, the uses referred to in this Agreement shall have the same meanings as provided for in the City's adopted Zoning Ordinance.

2. The Property may be used for a foster family group home, subject to special land use and site plan approval by the City.
3. The Property may be used for a child caring institution, the maximum capacity of which shall be limited to no more than eight (8) children.
4. The Property shall revert back to its R1-B Zoning District designation without further action of the parties if the City's Zoning Ordinance is amended to permit child caring institutions in the R1-B Zoning District.
5. This Agreement shall be recorded with the Kent County Register of Deeds by the City at the Applicant's expense, and the terms and conditions set forth herein in shall run with the land and be binding on the parties hereto, their successors and assigns.
6. Zoning Ordinance Requirements.
 - a. This Agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. The Agreement supersedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.
 - b. The Zoning Board of Appeals shall be without authority to grant variances or otherwise change or vary any aspect of this Agreement.



20140811-0063974

Mary Hollinrake P:3/6 12:28PM
Kent Cnty MI Rgstr 08/11/2014 SEAL

- c. This Agreement can only be changed with the written consent of the Property Owner or its successors or assigns and the City, as specified in Section 3.29.C.3 of the City Zoning Ordinance.
 - d. The City Zoning Administrator is authorized to render final interpretations with respect to provisions in this Agreement. If either the landowner or the City disagrees with the interpretation of a provision by the City Zoning Administrator, either party may appeal that determination in writing to the Zoning Board of Appeals within thirty (30) days of the date when the City Zoning Administrator renders his/her determination.
7. Violations and Enforcement.
- a. The failure of any party to complain or enforce any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at any time, expressed or implied, or any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or consent to any subsequent breach of the same or any other provision of this agreement. If any action by any party shall require the consent or approval of another party(ies), such consent or approval of such action shall not be deemed a consent to or approval of any other provision of this Agreement.
 - b. The Property shall revert back to its R1-B Zoning District designation without further action of the parties upon any violation of this Agreement.
 - c. A violation of this Agreement shall also be deemed a violation of the City Zoning Ordinance. All remedies and enforcement mechanisms available to the City (including any additional ones authorized by law) shall be deemed cumulative and, by pursuing one remedy for a breach or violation of the Agreement, the City shall not be deemed to have waived the other remedies or enforcement mechanisms available to it.
8. This Agreement shall be governed by the laws of the State of Michigan
9. This Agreement may be executed by facsimile or in counterparts, and that all counterparts together, with or without facsimile signatures, shall constitute one integrated agreement and be deemed an original document.
10. By signing below the Property Owner affirms and represents that it has voluntarily offered the terms and conditions contained in the Agreement and agrees, on behalf of itself, its successors and assigns, to be bound by and consents to the same.

IN WITNESS WHEREOF, the undersigned has executed this **CONDITIONAL REZONING AGREEMENT** on the date first above written.

(Remainder of page left intentionally blank.)



20140811-0063974


Mary Hollinrake P:4/6 12:28PM
Kent Only MI Rstr 08/11/2014 SEAL

Bethany Christian Services, a 501(c)(3) nonprofit organization

By: 

Brian De Vos

Its: Vice President of Children and Family Services

STATE OF MICHIGAN)
) ss.
COUNTY OF Kent)Acknowledged before me in Kent County, Michigan, on 20, June, 2014, by Brian De Vos, the Vice President of Bethany Christian Services, a 501(c)(3) nonprofit organization, for and on behalf of said organization.PHILLIP M. GARBER
Notary Public, State of Michigan
County of Kent
My Commission Expires 05-14-2018
Acting in the County of Kent*
Notary Public, Kent County, Michigan
Acting in Kent County, Michigan
My commission expires: 05/14/2018

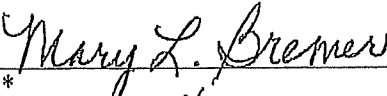
City of Kentwood, a Michigan municipal corporation

By: 

Stephen Kepley, Mayor

By: 

Dan Kasunic, Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)Acknowledged before me in KENT County, Michigan, on 27, June, 2014, by Stephen Kepley and Dan Kasunic, respectively the Mayor and Clerk of the City of Kentwood, a Michigan municipal corporation, for and on behalf of said corporation.MARY L. BREMER
Notary Public, State of Michigan
Qualified in Kent County
Commission Expires August 9, 2016*
Notary Public, KENT County, Michigan
Acting in KENT County, Michigan
My commission expires: 08-09-2016



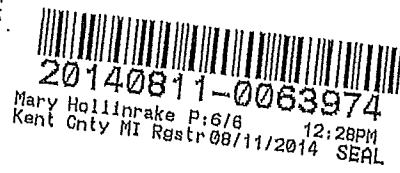
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Mary Hollinrake P:5/6 12:28PM
Kent Cnty MI Rgstr 08/11/2014 SEAL

Exhibit A

Property Description:

S 280 FT OF N 330 FT OF W 160 FT OF N 1/2 W 1/4 NW 1/4 * SEC 35 T6N R11W 1.03 A.



DRAFTED BY AND WHEN RECORDED RETURN TO:

City of Kentwood Planning Department
Attn: Joe Pung
PO Box 8848
Kentwood, MI 49518
616.554.0810

PLANNING STAFF RECOMMENDATION

Pung 09/20/21

PROJECT: Bethany Christian Services

APPLICATION: 27-21

LOCATION: 3220 – 52nd Street

HEARING DATE: September 28, 2021

REVIEW TYPE: Change to a Special Land Use for a Child Caring Institution

RECOMMENDATION: Conditional approval of the change to the Special Land Use Child Caring Institution as described in Case 27-21: Bethany Christian Services. The approval is conditioned on the following:

CONDITION:

1. City Commission approval of a modification to the Conditional Rezoning Agreement dated June 20, 2014, increasing the capacity of the child caring institution from eight (8) children to twelve (12) children.
2. The use shall otherwise be operated consistent with the 2014 special land use approval.
3. Documentation of compliance with State Building and Fire Codes shall be submitted to the City.

BASIS:

1. The use has been in operation since 2014. Except for a window and a concrete walkway, no eternal changes to the building or site are proposed.
2. The proposed change is consistent with both the Master Plan recommendation and the zoning of the property.
3. With the proposed changes, the use would still meet the special land use standards of Section 15.02 of the Kentwood Zoning Ordinance.
4. Applicant's representations at the work session and public hearing.
5. Discussion at the work session and public hearing

STAFF REPORT: September 23, 2021
PREPARED FOR: Kentwood Planning Commission
PREPARED BY: Terry Schweitzer
CASE NO.: 28-21 Kum & Go Rezoning

GENERAL INFORMATION

APPLICANT: B&R Properties Partnership 3330 Elmwood Beach Middleville, MI 49333	REP: Atwell, LLC-Mike McPherson 12745 23 Mile Road, Suite 200 Shelby Township, MI 48315
STATUS OF APPLICANT:	Property Owner
REQUESTED ACTION:	Rezoning From C-4 Office to C-5 Neighborhood Commercial
EXISTING ZONING OF SUBJECT PARCEL:	C-4 Office
GENERAL LOCATION:	1616-52 nd Street, 1632-52 nd Street and 5230 Kalamazoo Avenue SE, Southeast Corner of 52 nd Street and Kalamazoo Avenue
SITE SIZE:	1.3 acres
EXISTING LAND USE ON THE PARCEL:	Vacant
ADJACENT AREA LAND USES:	N- Office and Apartments S- Office and Single Family Residential E- Duplex and Single Family Residential W- Single Family Residential and Vehicle Repair Facility
ZONING ON ADJOINING PARCELS:	N- C-4 Office and R-4 High Density Residential S- C-4 Office and R1-C Single Family Residential E – R-2 Two Family Residential and R1-C Single Family Residential W- C-PUD Commercial Planned Unit Development

Compatibility with Master Plan:

The proposed rezoning site has a Master Planned commercial land use designation but will be required to be commercial uses that will have minimal impact on the surrounding neighborhood. Uses must also be well-screened from the adjacent residences. The guiding development concepts for all four quadrants of this intersection include:

- Establish open space (green or hard scape plaza) at the intersection corners.
 - Provide parking behind buildings, if possible.
 - No expansion of land area for commercial or office uses.
 - Landscaped buffers/screens for residential uses adjacent to commercial or office uses.
 - Area must be walkable.
 - Shared access must be provided between buildings.
 - Ensure that access to public streets works with boulevard design of Kalamazoo Avenue.
- A traffic analysis will be required for any proposed development.
- Commercial uses to serve the immediate area or commuters.
 - Plan is for the long term and must be marketable.

The Master Plan narrative relating to this site also suggested a CPUD zone could be used to establish parking, setbacks, and to specify building materials. In addition, the C-5 Neighborhood Commercial zone was identified as an additional option that could be utilized by developers as this zone allows reduced setbacks and parking.

Zoning History:

The site has been zoned for office use since at least 1976. The site has been vacant since 2005 following the demolition of the building that housed a financial institution. No formal application for re-development of this site has been filed with the city since the building demolition.

Relevant Zoning Ordinance Sections:

Section 13.03 of the Zoning Ordinance details the zoning amendment process and guidelines for evaluation. The Planning Commission conducts a public hearing review and forwards a recommendation to the City Commission where, after a second public hearing review, action is taken on the request. Chapter 9 contains the overall neighborhood commercial use and development regulations.

Site Characteristics:

The property has approximately 220 feet of frontage on 52nd Street and approximately 280 feet of frontage on Kalamazoo Avenue with the grade of the northern portion of the site above the grade of the streets. This section of the Kalamazoo Avenue boulevard, built in 2008, is continuous along the entire site frontage and the cross section of the 52nd Street frontage consists of 2 through lanes in each direction as well as dual left turn lanes for westbound traffic.

Project Overview:

The property ownership is seeking the rezoning to expand the range of allowable commercial usage of the property beyond the current office uses. As noted in the applicant's project statement, pending approval of the rezoning, it is the intent of Kum & Go to develop the property as a convenience store including vehicle fueling.

Staff Analysis

1. There have been several inquiries about placing a retail or office building on the property in recent years. While the office uses would have complied with the current zoning the retail uses were discouraged due to the master planned office land use designation. During development of the 2020 Master Plan update staff had numerous discussions with the property owner about the prospect of commercial use of the property including several concept plans depicting alternative building, parking and circulation scenarios for office and/or retail uses. In the end the adopted master plan makes allowance for commercial use predicated on some site-specific issues associated with the location, size and configuration relative to the intersection of 52nd Street and Kalamazoo Avenue.
2. By virtue of the boulevard construction along Kalamazoo Avenue and the intersection improvements to raise its grade and accommodate the dual left turns for westbound traffic, the city negotiated public sidewalk easements on the private property as well as reduced the width of the required landscape buffer along the east line of the site. Subsequently, the greenspace along the street frontage will be reduced to as little as 25 feet measured from edge of the street and down to 9 feet along the east lot line common to the two homes.
3. The intent of the applicant to develop the property as a convenience store including vehicle fueling would require special land use approval of the vehicle fueling portion of the business. There are several special land use site design requirements associated with vehicle fuel stations that would have to be addressed in addition to the guiding development concepts noted in the compatibility with master plan summary above.
4. Section 13.03 C of the Zoning Ordinance specifies the following guidelines for the amendment of the official zoning map
 1. Consistency with the goals, policies and future land use map of the Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
As noted above, the future land use designation is commercial provided the commercial uses have minimal impact on the surrounding neighborhood. In addition, the guiding development concepts previously noted will be especially critical to the review of permitted as well as special land use allowances under the proposed C-5 zoning.
 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district;
The location, size and configuration of this site relative to the intersection of 52nd Street and Kalamazoo Avenue may limit the feasibility of some permitted and special land uses allowed in the proposed C-5 Neighborhood Commercial zone district.
 3. The applicant's ability to develop the property with at least one (1) of the uses permitted under the current zoning;

The property has the potential to be developed for a range of office uses under the current C-4 Office zoning of the site.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;

As noted above, the location, size and configuration of this site relative to the intersection of 52nd Street and Kalamazoo Avenue may limit the feasibility of some permitted and special land uses allowed in the proposed C-5 Neighborhood Commercial zone district. The boulevard along the Kalamazoo Avenue frontage and the 52nd Street cross section consisting of 2 through lanes in each direction and dual left turn lanes for westbound traffic may challenge businesses that are serviced by large vehicles or involve a high number of daily vehicle movements into and out of the site. Businesses that operate into the evening or on a 24 hour basis may also represent a potential noise or lighting nuisance to surrounding homes.

5. Whether the City's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City;

The city's infrastructure and services appear sufficient to serve this site.

6. Where a rezoning is reasonable given the above guidelines, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

The Master Plan narrative for this site identified PUD zoning as an alternative to fulfill the desired commercial land use designation. Likewise, a conditional rezoning to C-5 Neighborhood Commercial may accomplish the same including an allowance for reduced required parking. However, staff does not believe that adding a special land use allowance for vehicle fuel stations to the current C-4 zoning is desirable.



ONE COMPANY.
INFINITE SOLUTIONS.

August 31, 2021

Rezoning Request

ATTN: City of Kentwood City Commission

SEC of 52nd Street SE & Kalamazoo Avenue SE, Kentwood, Kent County, MI

Parent Parcel # 41-18-33-101-001, -101-010, -101-036

On behalf of Kum & Go, L.C. please accept this letter and enclosed exhibits as a formal request for consideration of rezoning 1.653 acres of land from C4 (Office/Business District) to C5 (Neighborhood Corridor Commercial).

The proposed 1.653 acres is comprised of parcels 41-18-33-101-001, 41-18-33-101-010 & 41-18-33-101-036. An exhibit depicting the existing parcel and zoning designation and the proposed parcels and zoning designation are enclosed for your reference.

Pending approval of the rezoning, it is the intent of Kum & Go, to develop the new parcel as convenience store including fuel in conformance with the C5 – Neighborhood Corridor Commercial zoning criteria.

Guidelines for Amendment

1. *Consistency with the goals, policies and future land use map of the Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;*
 - Per the City's future land use map, the subject property is designated for Commercial use.
 - The site falls within Sub Area 2: Kalamazoo Avenue Corridor in the Master Plan. C-5 Neighborhood Corridor Commercial is the most appropriate zoning classification for the site based on the following:

Guiding Development concepts for 52nd and Kalamazoo Avenue (From the Master Plan)

- *Establish open space (green or hard scape plaza) at the intersection corners.*
 - The C-5 classification is no less accommodating to the creation of open space at the intersection corners than the current C-4 classification
- *Provide parking behind buildings, if possible*
 - The intent of the C-5 district is to establish setbacks closer to the street which in turn will allow more space to the rear of the building for parking. *City of Kentwood Zoning Ordinance Sec. 9.01.E*
- *No expansion of land area for commercial or office uses*
 - The site is currently zoned C-4 Office/Business District. Rezoning to C-5 would not expand land area for office or commercial uses.



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- *Landscaped buffers/screens for residential uses adjacent to commercial or office uses*
 - Establishing setbacks closer to the street will create more space along the adjacent residential for buffer/screening.
 - *Area must be walkable.*
 - Per Sec. 9.01.E, an objective of the C-5 district is to increase pedestrian activity along the street.
 - *Shared access must be provided between buildings*
 - The C-5 district is no less accommodating to this standard than the current C-4 district.
 - *Ensure that access to public streets works with boulevard design of Kalamazoo Avenue. A traffic analysis will be required for any proposed development.*
 - The C-5 district is no less accommodating to this standard than the current C-4 district. A traffic study will be performed and submitted with any site plan approval package.
 - *Commercial uses to serve the immediate area or commuters.*
 - One objective of the C-5 district is to increase pedestrian activity along the street which will better serve the residential neighborhoods in the immediate area.
 - *Commercial uses will be permitted at the southeast corner of 52nd and Kalamazoo Avenue but will be required to be those that will have minimal impact on the surrounding neighborhood. Uses must also be well screened from the adjacent residences.*
 - Establishing setbacks closer to the street will create more space along the adjacent residential for buffer/screening.
 - The C-5 district will have a positive impact on the surrounding neighborhoods by creating a more walkable environment.
 - *Plan is for the long term and must be marketable.*
 - The C-5 district is no less accommodating to this standard than the current C-4 district.
2. *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district;*
- The C-5 district is the most appropriate zoning classification for the site based on the intent and purpose stated in the zoning ordinance. As shown previously, the objectives of the C-5 district align more closely with the guiding development concepts for the Kalamazoo Corridor than the current C-4 zoning.
3. *The applicant's ability to develop the property with at least one (1) of the uses permitted under the current zoning;*
- While the property may have the potential to be developed under the current zoning, it would not be in the best interest of the City's future objectives as stated in the Master Plan for the Kalamazoo Avenue Corridor. The C-5 district would better allow for those objectives to be met.
4. *The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;*



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- As stated previously, the uses allowed under the C-5 district and the City's objectives for the Kalamazoo Avenue Corridor and specifically the 52nd and Kalamazoo intersection as stated in the Master Plan are more closely aligned than the existing C-4 district.
- 5. *Whether the City's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City;*
 - The C-5 district will not have a greater impact on the City's infrastructure than the existing C-4 district. All necessary utilities (water, sanitary, storm, electric, and gas) are available at the site to serve the development.
- 6. *Where a rezoning is reasonable given the above guidelines, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.*
 - The intent and purpose of the C-5 district appear to be specifically tailored to the City's development goals for this site as stated in the Master Plan. There is not a more appropriate zoning district. Amending the list of permitted or special land uses will not better accommodate the development goals, as stated in the Master Plan, of the City.

Please find enclosed an application, check, exhibit, and other required documents to help facilitate the rezoning process. Further, we understand that the rezoning will require action of the City Planning Commission and City Commission. Please notify us of the anticipated meeting date(s) where this request will be considered.

We appreciate your consideration of this request. Feel free to contact me at 586-786-9800 with questions or concerns.

Sincerely,

Michael McPherson, P.E. Atwell, LLC

LEGEND



EXISTING C4 ZONING DISTRICT
TO BE REZONED TO C5



PROPOSED PROPERTY LINE



ADJACENT PROPERTY BOUNDARIES

PARCEL DESCRIPTION

SCHEDULE C DESCRIPTION PER ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO.: 925406, COMMITMENT DATE: FEBRUARY 03, 2021:
LAND IN THE CITY OF KENTWOOD, KENT COUNTY, MI, DESCRIBED AS FOLLOWS:

PARCEL 1:
ALL THAT PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWN 6 NORTH, RANGE 11 WEST, PARIS TOWNSHIP, NOW CITY OF KENTWOOD, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 33; THENCE EAST 0 DEGREES 00 MINUTES 43.92 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 140.38 FEET; THENCE SOUTH 0 DEGREES 00 MINUTES EAST 168.00 FEET; THENCE WEST 135.0 FEET; THENCE NORTH 1 DEGREE 50 MINUTES WEST 168.00 FEET PARALLEL TO AND 50.0 FEET EAST OF THE CENTER LINE KALAMAZOO AVENUE TO THE PLACE OF BEGINNING.

PARCEL 2:
PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWN 6 NORTH, RANGE 11 WEST, CITY OF KENTWOOD, KENT COUNTY, MICHIGAN BEGINNING ON THE NORTH SECTION LINE SOUTH 88 DEGREES 41 MINUTES EAST 184.30 FEET FROM THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH 88 DEGREES 41 MINUTES EAST 85.00 FEET ALONG THE NORTH SECTION LINE; THENCE SOUTH 1 DEGREE 19 MINUTES WEST 168.00 FEET PERPENDICULAR TO THE NORTH SECTION LINE; THENCE NORTH 88 DEGREES 41 MINUTES WEST 85.00 FEET PARALLEL WITH THE NORTH SECTION LINE; THENCE NORTH 1 DEGREE 19 MINUTES EAST 168.00 FEET TO THE PLACE OF BEGINNING.

PARCEL 3:
THE SOUTH 150.00 FEET OF THE NORTH 318.00 FEET OF THE WEST 230.50 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 33, TOWN 6 NORTH, RANGE 11 WEST, CITY OF KENTWOOD, KENT COUNTY, MICHIGAN.

REZONING EXHIBIT





Memorandum

TO: Planning Commission Land Use and Zoning Committee

FROM: Terry Schweitzer, Community Development Director

DATE: June 17, 2021

RE: Embassy Park Planned Unit Development

In 1992 the 79-acre area south of Burton Street and along either side of Forest Hill Avenue was rezoned from R1-C Single Family Residential to RPUD-1 High Density Residential Planned Unit Development (see attached aerial, RPUD-1 properties outlined in blue). The approval included 182 attached condominium units as well as a plat with 82 single family detached homesites. The overall density of the project was less than 4 units per acre consistent with the low-density residential land use classification in 1992 as well as consistent with the 2020 Kentwood Master Plan.

The original approved PUD plan specified up to 37 condominium units made up of an assortment of 2, 3- and 4-unit buildings in the 10.3-acre phase 2 of the development. In 1995, phase 2 of the PUD plan was changed to allow for the construction of the current place of worship. The 56 lot Forest Meadows single family detached subdivision to the east has been developed consistent with the original PUD plan. The 32-unit Forest Meadows Condominium development to the south is also largely consistent with the original PUD plan.

The plans and development of the properties on the west side of Forest Hill Avenue have changed more substantially since the original plan in terms of the types of housing and ownership. There are currently 23 condo units on the southwest portion of the Clark on Keller Lake site and 80 beds of assisted living (Oxford Manor and Windsor Manor adult foster care) on the northwest portion. In 2018 approval was granted for up to 94 condo units and up to 150 beds of assisted living on the eastern portion of the Clark on Keller Lake site. The developer represented that the existing assisted living buildings would be demolished when the new assisted living building(s) were constructed. The approved site plan contained a note that low density residential housing would replace the existing assisted living buildings.



Memorandum

To: Zoning Ordinance Subcommittee

CC:

From: Joe Pung
(616)554-0810
pungj@kentwood.us

Date: September 23, 2021

Re: Zoning Ordinance Update (Recreational Facilities in Industrial Districts)

At the September 14, 2021, Zoning Ordinance Subcommittee meeting there was discussion on limiting the size of indoor recreational facilities and the types of recreational uses (sports training vs. trampoline parks, etc.) if indoor recreation were to be allowed in the industrial districts. Staff has provided additional information for further discussion on the subject.

Current definitions relating to recreational facilities, training facilities, and small group training facilities are:

Recreational Facility: Any public or private facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, including indoor and outdoor facilities. Such facilities may include, but are not limited to recreational fields, courts, and other similar facilities. Spectator events may be conducted at the recreational facilities provided accommodations are made for well-designed seating, parking, and traffic circulation.

(Currently indoor recreation facilities are allowed, either by right or as a special land use, within all zoning districts except R5 Manufactured Housing, I1 Light Industrial, and I2 Heavy Industrial.)

Training Facility: A specialized indoor facility devoted to physical fitness training. The training may include cardiovascular and strength training utilizing machines and equipment as well as group and individual fitness training. Training facilities are primarily for the prearranged use of specific groups and programs, rather than for general public walk-in use. This use includes specialized facilities such as a pools, weight rooms, gymnasiums, classrooms, and workout space. Activities may include sports training sessions and workouts with no spectator events.

(Currently training facilities are only allowed, either by right or as a special land use, in commercial/office districts, except for the C5 district, and the Form Based Code district.)

Small Group Fitness and Rehabilitation Training Facility: A training facility restricted to prearranged individual or small group fitness and rehabilitation training with instructor to trainee ratios of no more than 1:4. The small group fitness and rehabilitation training facility shall not exceed twenty-five percent (25%) of a building or 10,000 square feet in area (whichever is smaller) and shall be located entirely within an enclosed building.

(Currently small group training and rehabilitation facilities are only allowed as a special land use in industrial districts.)

Discussion Topics

- 1) In respect to facility size, an option would be to limit the size of such facilities to around 25,000 square feet. Based on initial research by staff, a 25,000 square foot facility, depending on amount of clear space, may be sufficient to provide enough area for one full size indoor soccer field or several smaller fields and would be more than sufficient for uses such as batting cages, etc.
- 2) As indicated in prior discussion, the City of Wyoming does not permit recreation facilities in industrial districts but does make allowance for athletic training facilities (see definition below).

Athletic training facility: A specialized indoor facility provided for the training needs and related activities of athletes. Unlike a health club, these facilities are primarily for the prearranged use of specific teams and programs, rather than for general public walk-in use. This includes specialized sports facilities, such as ball courts, hockey rinks, gymnasiums, gymnastics, and pools, and may include weight rooms, classrooms, and meeting space. Activities may include training sessions, practices, and competitive events.

Instead of allowing indoor recreations facilities in general, it may be prudent to adopt a use classification like Wyoming. Kentwood may want to exclude the allowance for competitive events. Excluding spectator or competitive events would help address concerns related to both parking and potential conflicts between commercial and passenger vehicles. If adopted, the new use classification may be able to replace the *Small Group Training and Rehabilitation Facility* use classification