



**AGENDA  
CITY OF KENTWOOD PLANNING COMMISSION  
TUESDAY, SEPTEMBER 14 2021  
KENTWOOD COMMISSION CHAMBERS  
4900 BRETON AVENUE  
7:00 P.M.**

**6:30p.m. Master Plan Sub-Committee meeting (Holtop, Poyner, Quinn)**

**Approx. 7:45p.m. Zoning Ordinance Sub-Committee meeting (Brainerd, Benoit, Poyner)**

- A. Call to Order
- B. Pledge of Allegiance (Dan Holtrop)
- C. Roll Call
- D. Approval of the Minutes of August 24, 2021 and 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
- E. Approval of the Agenda for September 14, 2021
- F. Acknowledge visitors and those wishing to speak to non- agenda items.
- G. Old Business  
  
There is no Old Business
- H. Public Hearing  
  
There are 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- 52<sup>nd</sup> Street
- J. New Business

Agenda - Planning Commission

September 14, 2021

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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 52<sup>nd</sup> Street and Kalamazoo Avenue

K. Other Business

1. Commissioners' Comments
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  
AUGUST 24, 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 Brainerd.
- C. Roll Call:  
Members Present: Bill Benoit, Catherine Brainerd, Dan Holtrop, Sandra Jones, Ed Kape, Clarkston Morgan, Ray Poyner, Mike Pemberton,  
Members Absent: Darius Quinn ( absent with notification)  
Others Present: City Attorney Jeff Sluggett, Community Development Director Terry Schweitzer, Economic Development Planner Lisa Golder, Senior Planner Joe Pung, Planning Assistant Monique Collier, and the applicant

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

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

- D. Approval of the Minutes and Findings of Fact

**Motion by Commissioner Holtrop, supported by Commissioner Poyner, to approve the Minutes of August 10, 2021 and the Findings of Fact for: Case#22-21 – Windy West Two Conditional Rezoning - Request of Bosco Development LLC to conditionally rezone 8.91 and 8.86 acres of land from RPUD-1 High Density Residential Planned Unit Development and R1-A Estate Residential respectively to R1-D Single Family Residential. Located at 3345 – 52<sup>nd</sup> Street and 3281 Nature View Drive**

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

- E. Approval of the Agenda

**Motion by Commissioner Pemberton, supported by Commissioner Morgan, to approve the agenda for the August 24, 2021 meeting.**

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

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

There was no public comment.

**Case#20-21** – DMR Transportation – Rezoning of 16.4 acres of land from R1-C Single Family Residential to IPUD Industrial Planned Unit Development Located at 4251,4375 and 4401 36<sup>th</sup> Street (**applicant has withdrawn their application**)

**Case#21-21** DMR Transportation – Special Land Use Review of a Vehicle Repair Establishment Located at 4251,4375 and 4401 36<sup>th</sup> Street; (**applicant has withdrawn their application**)

Golder stated there was some confusion about the Master Plan designation for the 36<sup>th</sup> Street area. She stated therefore, staff sent out a letter describing the Master Plan process to the adjoining property owners. She stated right before covid hit we decided to change the land use classification of this area in a public meeting to Industrial with all the specifications that we made regarding sensitivity to the residential owners living in front of it. She stated she thinks there is more work to do and that we need to work with the developer to have them understand what would be acceptable and understand our performance standards and the zoning ordinance.

**Motion by Holtrop, supported by Brainerd, to accept the applicants withdrawal for:**  
**Case#20-21** – DMR Transportation – Rezoning of 16.4 acres of land from R1-C Single Family Residential to IPUD Industrial Planned Unit Development Located at 4251,4375 and 4401 36<sup>th</sup> Street and **Case#21-21** DMR Transportation – Special Land Use Review of a Vehicle Repair Establishment Located at 4251,4375 and 4401 36<sup>th</sup> Street

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

H. Public Hearing

**Case#23-21** – Speedway – Special Land Use and Site Plan Review for a Vehicle Fuel Station – Located at 4384 Kalamazoo;

Golder stated Speedway is currently located on three parcels of land, two in the City of Kentwood and one in the City of Grand Rapids. Each municipality has retained jurisdiction of the property and buildings within its municipal boundaries. The existing building in which Speedway is located also houses a Tuffy Auto Center. In order to expand the facility, Speedway purchased the .49 acre property to the north of the existing location, which is also located in the City of Grand Rapids. A new, larger gas station and convenience store is intended to be constructed. Due to concerns regarding the jurisdiction for planning, inspections, assessing, income tax and other services, Kentwood and Grand Rapids have entered into a Conditional Land Transfer under the provisions of Public Act 425 of 1984 (PA 425). Golder stated the City recently approved the 425 agreement. That is to be incorporated into the City of Kentwood for the purpose of zoning and accessing and building inspections and all the municipal services. Kentwood will also assess property tax and Grand Rapids will assess an income tax.

Golder stated as part of 425 agreement we had some criteria that had to be met for the City of Grand Rapids to get a recommendation for approval

Grand Rapids requirements:

As per the 425 Conditional Land Transfer Agreement, the following have been identified as issues that Grand Rapids requires to be addressed in the design of the Speedway station:

- Fuel pumps, pumps islands detached canopies, compressed air dispensers, etc. shall be located at least 15 feet from the street right of way and 20 feet from all lot lines adjacent to a residential district.
- The convenience store cash register shall be clearly visible from the street. The viewing window shall have a contiguous area of at least 15 square feet of clear glass and maintain an unobstructed view into the building.
- Height: a canopy shall have a minimum clearance of 8 feet over public sidewalks and a minimum ground clearance of 14 feet over any vehicular driveway or parking area. A canopy shall not exceed the height of the main building.
- Lighting: Lighting on canopy shall be fully recessed, no external illumination of canopy;  
25% maximum of canopy visible from the public street can be illuminated; regulations regarding the intensity of lighting.
- Building transparency: 30% of wall (measured at a height of 2-8 feet) facing Kalamazoo Avenue
- Parking lot landscaping requirements: requirements for landscape buffers, materials, and height for visual screen; opacity of buffer; intermittent landscape buffer between the right of way and parking areas; streetscape trees
- Provide a Crime Prevention Through Environmental Design plan
- Limitation of floor area dedicated to alcohol sales.

These requirements will be reviewed by the Grand Rapids Planning Department and Police Department, and, as per the 425 Agreement, no formal approval can occur until such time that a recommendation has been received from Grand Rapids and incorporated into the Special Land Use and site plan review and approval.

Golder stated all of the criteria have been met however they are still working on the size of the beer cave within the convenience store because they have a criteria as to how big those get. They want it to stay a convenience store and not a liquor store.

Golder stated there was a lot of discussion at the work session regarding traffic. She stated a traffic study has been completed and according to the study the only improvement that was warranted was a north bound right turn taper. But because of the utilities, signs, bus stops and other things the study recommends not adding that taper.

Golder stated Grand Rapids traffic Engineers also said they didn't like the size of the driveway and recommended for the safety of pedestrians that we look at reducing the size of that.

Golder stated because of the uncertainty regarding the driveway we are looking to get another opinion by a 3<sup>rd</sup> party traffic consultant to see if that taper is warranted and to get an opinion about the width of the driveway. Golder stated the process to hire the traffic engineer to make a recommendation to our City Engineer and if the commissioners are comfortable with that we will look at what they recommend. She stated one of the things the traffic engineer looked was a handful of rear end accidents in that area. They are going to look and see if there is enough room on the site and whether there is enough room in between when you turn into the property and when you make a decision about where to go to get gas.

Golder stated she is recommending conditional approval of the special land use and site plan review as described in her memo.

Mandy Gauss, CESO Engineer, 13060 South US Highway 27 Dewitt MI representing Speedway was present. She stated the Zoning Board of Appeals granted the variance for the second drive. She displayed pictures of the vehicles congested with the current way the site is set up. She stated with the proposed site the driveway sits back further. With the dive in design traffic moves and it flows it doesn't have the backups you would get with the stacked design. She stated there is also the width between the canopy and the pavement; it is wider than what you would actually have at most Speedway stations because of the fueling truck needing to circle the canopy and enter and exit onto 44<sup>th</sup> Street. She stated it is wider than a lot of the Speedway sites. Gauss showed/displayed the conflicts with the taper lane.

Gauss stated there were 1,522 projected trips for this site this is for both inbound and outbound trips. Of those trips more than half are pass by trips. During the Am peak hour there will be an additional 14 inbound and 15 outbound trips. During the PM peak hour there will be an additional 16 inbound and 17 outbound trips. She stated both of the drives are at a level of service A/B which is an acceptable level of service. City of Grand Rapids reviewed the traffic study and their only comment was the width of the drive, they were ok without the taper lane being included.

Gauss stated they were also granted the variance for the goal post style signs and the Speedway channel letter signs on the end. They did not get the two "S" logos they were showing on the two corners and they have since been removed from the plan.

Jones opened the public hearing.

There was no public comment.

**Motion by Kape, supported by Pemberton, to close the public hearing.**

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

Benoit stated it looks good and he is ok with leaving the driveways up to staff and the Engineering Department.

Holtrop concurred. He questioned the construction time table. Jennifer High, Speedway Planning Department stated due to the lease agreement they have with Tuffy onsite they are looking for an April 2023 build.

Morgan questioned if there was any other issues with the setback. Gauss stated everything was settled at the Zoning Board meeting they received the variance for the reduction in the setback. Gauss stated there were no residents present or against the project.

Poyner questioned what the traffic engineer will be evaluating. Gauss stated typically with a site this size they don't have any issues. She stated the whole point about adding additional dispensers is so you alleviate the stacking and the wait times. She stated there is enough room around the site for maneuverability even if a car is waiting to get to a dispenser.

Poyner pointed out with the turn lane, the City bus may not be able to stop there. Golder stated we asked the ITP whether they would be alright with moving the bus stop and they were not in favor of doing that. They said they would look at it again, but at this time they are not in favor.

Pemberton stated he will leave the driveway detail to the City Engineer's office. He stated the bus stop right on top of that intersection can't be a good thing at certain times of the day. He can see it moving to the north a little bit on the site even beyond the driveway so that it is not becoming a part of that driveway issue.

Brainerd stated she is comfortable with staff handling traffic issues.

Kape stated what if ITP states they are absolutely not going to move the stop. Schweitzer stated the transport agency and the City will work things out.

**Motion by Poyner, supported by Holtrop, to grant Conditional Approval of the site plan dated July 1, 2021, for a Special Land Use Vehicle Fuel Station for Speedway as described in Case No. 23-21. Approval is conditioned on conditions 1-7 and basis points 1-4 as escribed in Goder's memo dated August 12, 2021.**

- Motion (8-0) –
- Quinn absent -

**Motion by Pemberton, supported by Holtrop to grant Conditional Approval of the Special Land Use Vehicle Fuel Station for Speedway as described in Case No. 23-21. Approval is conditioned on conditions 1-6 and basis points 1 –4 as described in Golder’s memo dated August 8, 2021.**

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

**Case#24-21** -West Michigan Auto Glass – Special Land Use Minor Vehicle Repair and Site Plan Review Located at 5630 Division Ave SE;

Pung stated the request is for a site plan review for a minor vehicle repair. The applicants business is an auto glass repair and replacement operation which is classified as a minor vehicle repair in our ordinance. He stated over 95% of their work is done offsite. There specific procedures would have to be done in the building.

Pung stated the site is .44 acres in area. There is an existing 2,880 square building on the site that would be utilized by the applicant. He stated they are not proposing any changes to the site or the building therefore it is just a use change. Under the FBC they will need to comply with the general landscaping requirements which in this case adding some street trees. They are complying with the use requirements and the amount of parking meets the minimum requirements.

Pung stated he is recommending conditional approval as described in his memo.

Jones opened the public hearing.

There was no public comment.

**Motion by Poyner, supported by Brainerd, to close the public hearing.**

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

Commissioners offered no additional comment and were ok with the request.

**Motion by Holtrop, supported by Pemberton, to grant conditional approval of the West Michigan Auto Glass Special Land Use minor vehicle repair as described in Case#24021. Approval is conditioned on conditions 1-6 and basis points 1-4 as described in Pung’s memo dated August 16, 2021.**

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

**Motion by Holtrop, supported by Benoit, to grant conditional approval of the West Michigan Auto Glass site plan dated received July 19, 2021 as described in Case #24-21. Approval is conditioned upon conditions 1-5 and basis points 1-5 as described in Pung's memo dated August 16, 2021.**

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

**Case#25-21** – Cobblestone at the Ravines Phase 3 –Final PUD Site Plan Review Located at 4333 Shaffer Ave SE;

Golder stated the applicants secured the preliminary PUD site plan approval from the City Commission who specified the removal of one of the buildings from the development. The City Commission deliberated sending the project back to the Planning Commission regarding this issue but the developer expressed a willingness to remove the proposed 3 unit building on the southeast portion of Phase 3 in order to avoid an additional delay.

Golder stated we had a resident come into the office inquiring about adding some additional landscaping. She thought it would be helpful to add some arborvitaes along the edge where the houses are so close to the park space.

Golder stated she is recommending conditional approval as described in her memo.

Jones opened the public hearing.

There was no public comment.

**Motion by Kape, supported by Brainerd, to close the public hearing.**

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

Commissioners offered no additional comments and were ok with the request.

**Motion by Benoit, supported by Poyner, to grant conditional approval of the final PUD site plan dated August 12, 2021 as described in Case No. 25-21. Approval is conditions on conditions 1 –5 and basis points 1 –4 as described in Golder's memo dated August 11, 2021.**

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

**Case#26-21** – WoodHaven Condominiums – Final PUD Site Plan Review – Located at 4624 Walma Avenue SE

Pung stated the request is a final site plan review for a PUD phase. He stated this is a 41 unit attached condominium development on just over 11 acres. He stated the Planning Commission recommended conditional approval of the preliminary site plan to the City Commission in April. On May 10 City Commission approved the major change and preliminary PUD plan.

Pung stated he is recommending conditional approval as described in his memo

Jones opened he public hearing.

There was no public comment.

**Motion by Morgan, supported by Pemberton, to close the public hearing.**

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

The commissioners were ok with the request and offered no additional comments.

**Motion by Pemberton, supported by Brainerd, to grant conditional approval of the final PUD site plan dated July 12, 2021 for Woodhaven Condominiums as described in Case 26-21. Approval is conditioned on conditions 1-5 and basis points 1-7 as described in Pung's memo dated August 16, 2021.**

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

I. Work Session

There are no work sessions

J. New Business

**Motion by Holtrop, supported by Benoit, to set public hearing date of September 28, 2021, for: Case#27-21- Bethany Christian Services – Proposed change to a Conditional Rezoning and Change to a Special Land Use Approval Located at 3220-52<sup>nd</sup> Street**

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

K. Other Business

1. Master Plan Implementation

Schweitzer noted the Master Plan goal regarding replacing trees lost to disease. He stated Pung has a bi-annual Consumer's Energy tree grant application request. Pung has found every other year we get the funding and on the off year there is a DTE grant application Pung makes application for and we get the DTE funding every other year.

He stated the Master Plan assignment to establish a sense of place installing art on City campus is on hold. He stated we had plans to install an art piece that was received from Woodland Mall. We put that on hold and have to relook at how that will be funded. There may be plans to suggest to the Arts Commission a different location within the community to place that piece of art.

Schweitzer stated in terms of partnerships we are continuing to work with Ada Township at Meadowbrook Elementary to apply the Safe Routes to School funding to install additional pedestrian facilities that would connect Kentwood with Ada Township. It would provide a connection that we have been looking for between the Kentwood trail system and Ada and Cascade as well as improve the walkability for school children.

He stated in terms of sustainability the Master Plan is seeking an annual goal set for development and maintenance of City trails The Parks Trails and Recreation advisory committee completed a study prior to promoting the reinstitution of a millage a key components of which was to quantify this goal. He stated efforts may be under way to reignite the millage effort.

He stated in terms of the 28<sup>th</sup> and 29<sup>th</sup> Street corridor we discussed reviewing the safety of pedestrians movement at the Woodland Mall hub center. He stated people go across 28<sup>th</sup> Street at Shaffer and it is not a safe situation for pedestrians. It may be better if they had crosswalks or other means to get riders to their destination. He stated we have initiated some contact with the Rapid to take a look at that. They have responded that it appears to be isolated maybe once or twice a day that groups of pedestrians walk across the busy street. Discussion ensued.

Jones questioned if there have been any developers interested in the site on the northeast corner of 60<sup>th</sup> and Kalamazoo. Schweitzer stated it appears there has been some recent efforts collectively by that ownership of those properties to try to get something going.

Jones stated once ITP updates their routes she would like to get routes that go through the City of Kentwood. Schweitzer stated there is a one page Mobility For All flyer that highlights the changes. He stated staff will distribute to the commissioners.

## 2. Commissioners' Comments

Kape stated there are some businesses who think that Covenant Park could be a huge revenue generator for the City but the Parks and Rec department and the Park and Rec committee thinks that it should be used for Parks and Recreation trails, etc. He stated they

are finalizing their solution to go to the City Commission by October. He stated they are hoping to have it on the ballot in August of 2022.

Holtrop stated the concerts in the park have been nice this year. He questioned how the Farmers market was doing. Kape stated the numbers and the turnouts doubled from when they had it on Saturdays.

Benoit questioned if there is any way to get the City Attorney perspective in regarding a presentation on the vulnerability of email accounts through FOIA.

Jones stated the Home 2 Suites Hotel on Sparks Drive building does not appear to be fully secure and maybe someone has made entry. Schweitzer noted efforts by the City to have the building secured over the past year. It will be followed up.

### 3. Staff's Comments

Schweitzer stated we sent information to Poyner, Holtrop and Quinn for a September 14 meeting to discuss the Master Plan sites that are under consideration. He stated he would also like the Zoning Ordinance committee to meet on that day as well. The Master Plan committee will meet beforehand and the Zoning Committee will meet after the meeting. The agenda will be very brief.

### L. Adjournment

**Motion by Commissioner Benoit, supported by Commissioner Kape, to adjourn the meeting.**

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

Meeting adjourned at 8:25pm

Respectfully submitted,

Ed Kape, Secretary

**CITY OF KENTWOOD  
PLANNING COMMISSION  
PROPOSED  
FINDINGS OF FACT  
SEPTEMBER 14, 2021**

Golder 8-12-21

PROJECT: Speedway Special Land Use

APPLICATION: 23-21

REQUEST: Special Land Use for a Vehicle Fuel Station

LOCATION: 4384 Kalamazoo Avenue SE

HEARING DATE: August 24, 2021

MOTION: **Motion by Pemberton, supported by Holtrop to grant Conditional Approval of the Special Land Use Vehicle Fuel Station for Speedway as described in Case No. 23-21. Approval is conditioned on conditions 1-6 and basis points 1 –4 as described in Golder’s memo dated August 8, 2021.**

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

CONDITIONS:

1. Compliance with the August 12, 2021 Special Land Use Narrative for the proposed Speedway expansion.
2. Final execution of the PA 425 Conditional Land Transfer by the City of Grand Rapids, the City of Kentwood, and Speedway.
3. Final review and approval of the Planning and Zoning elements identified by the City of Grand Rapids as a condition of the PA 425 Conditional Land Transfer.
4. Review and approval by the Kentwood City Engineer and Fire Marshal.
5. Kentwood Engineering Department approval of the width and design of the Speedway Kalamazoo Avenue driveway.
6. Staff approval of the landscaping and lighting plans.

1. The proposed Speedway is located on property that is partially located in the City of Kentwood and partially in the City of Grand Rapids. Both communities have approved the execution of a PA 425 Conditional Land Transfer Agreement, allowing the entire site to be subject primarily to the ordinances of the City of Kentwood. This action will allow Kentwood to review the plan considering Kentwood regulations and standards. The 425 Conditional Land Transfer Agreement must be signed by representatives of Grand Rapids, Kentwood, and Speedway.
2. The traffic study submitted by the applicant calls for a right turn taper at the Speedway driveway on Kalamazoo Avenue. The applicant has indicated that due to physical limitations and acceptable levels of service, the right turn taper is not recommended.

The traffic engineer of the City Grand Rapids recommends that the Kalamazoo drive curb cuts widths be reduced to something less than what is proposed to improve pedestrian safety and comfort. However, reducing the curb cut may cause traffic to back up into the Kalamazoo Avenue/44<sup>th</sup> Street intersection. After consultation with a traffic engineer, the City Engineer will consider these issues when deciding as to the width of the curb cut.

3. The use otherwise meets the Special Land Use Standards of Section 15.04 D and 15.02 of the Kentwood Zoning Ordinance.
4. Discussion at the work session and public hearing.

**CITY OF KENTWOOD  
PLANNING COMMISSION  
PROPOSED  
FINDINGS OF FACT  
SEPTEMBER 14, 2021**

Golder 8-12-21

PROJECT: Speedway Site Plan

APPLICATION: 23-21

REQUEST: Site Plan Review of a Vehicle Fuel Station

LOCATION: 4384 Kalamazoo Avenue SE

HEARING DATE: August 24, 2021

MOTION: **Motion by Poyner, supported by Holtrop, to grant Conditional Approval of the site plan dated July 1, 2021, for a Special Land Use Vehicle Fuel Station for Speedway as described in Case No. 23-21. Approval is conditioned on conditions 1-7 and basis points 1-4 as escribed in Goder's memo dated August 12, 2021.**

- Motion (8-0) –
- Quinn absent -

CONDITIONS:

1. Compliance with the August 12, 2021, Special Land Use Narrative for the proposed Speedway expansion.
2. Final execution of the PA 425 Conditional Land Transfer by the City of Grand Rapids, the City of Kentwood, and Speedway.
3. Review and approval of the Planning and Zoning elements identified by the City of Grand Rapids as a condition of the PA 425 Conditional Land Transfer.
4. Review and approval by the Kentwood City Engineer and Fire Marshal.
5. Kentwood Engineering Department approval of the width and design of the Speedway Kalamazoo Avenue driveway.
6. Staff approval of the landscaping and lighting plans
7. Approval of the Special Land Use Vehicle Fuel Station.

**BASIS:**

1. The proposed Speedway is located on property that is partially located in the City of Kentwood and partially in the City of Grand Rapids. Both communities have approved the execution of a PA 425 Conditional Land Transfer Agreement, allowing the entire site to be subject primarily to the ordinances of the City of Kentwood. This action will allow Kentwood to review the plan considering Kentwood regulations and standards. The 425 Conditional Land Transfer Agreement must be signed by representatives of Grand Rapids, Kentwood, and Speedway.
2. The traffic study submitted by the applicant calls for a right turn taper at the Speedway driveway on Kalamazoo Avenue. The applicant has indicated that due to physical limitations and acceptable levels of service, the right turn taper is not recommended.

The traffic engineer of the City Grand Rapids recommends that the Kalamazoo drive curb cuts be reduced to something smaller than what is proposed to improve pedestrian safety and comfort. However, reducing the curb cut cause traffic to back up into the Kalamazoo/44<sup>th</sup> Street intersection. After consultation with a traffic engineer, the City Engineer will consider these issues when deciding as to the width of the curb cut.

3. The use otherwise meets the Special Land Use Standards of Section 15.04 D and 15.02 of the Kentwood Zoning Ordinance.
4. Discussion at the work session and public hearing.

**CITY OF KENTWOOD  
PLANNING COMMISSION  
PROPOSED  
FINDINGS OF FACT  
SEPTEMBER 14, 2021**

Pung 08/16/21

PROJECT: West Michigan Autoglass

APPLICATION: 24-21

LOCATION: 5624 & 5630 Division Avenue, SE

HEARING DATE: August 24, 2021

REVIEW TYPE: Special Land Use for Minor Vehicle Repair

MOTION: **Motion by Holtrop, supported by Pemberton, to grant conditional approval of the West Michigan Auto Glass Special Land Use minor vehicle repair as described in Case#24021. Approval is conditioned on conditions 1-6 and basis points 1-4 as described in Pung's memo dated August 16, 2021.**

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

- CONDITION:
1. Planning Commission approval of the site plan received July 19, 2021 .
  2. Use to be operated consistent with the *Letter of Intent* dated July 19, 2021.
  3. All on-site repair work shall be done within the building.
  4. No outdoor storage of material, merchandise, equipment, or other materials incidental to the operation.
  5. Compliance with all applicable standards and requirements of the Kentwood Engineering Department.
  6. Compliance with all applicable standards and requirements of the Kentwood Fire Department.

BASIS:

1. The use is a special land use within an FBC Form Based Code district and as such is compatible with the current zoning of the property and the Master Plan recommendation for mixed use development of the site.
2. The use is not anticipated to have a substantial and adverse impact on neighboring property nor create any type of blight within the area.
3. Representations by the applicant at the work session and public hearing.
4. Discussion at the work session and public hearing

**CITY OF KENTWOOD  
PLANNING COMMISSION  
PROPOSED  
FINDINGS OF FACT  
SEPTEMBER 14, 2021**

Pung 08/16/21

PROJECT: West Michigan Autoglass

APPLICATION: 24-21

LOCATION: 5624 & 5630 Division Avenue, SE

HEARING DATE: August 24, 2021

REVIEW TYPE: Site plan review for Minor Vehicle Repair

MOTION: **Motion by Holtrop, supported by Benoit, to grant conditional approval of the West Michigan Auto Glass site plan dated received July 19, 2021 as described in Case #24-21. Approval is conditioned upon conditions 1-5 and basis points 1-5 as described in Pung's memo dated August 16, 2021.**

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

CONDITION:

1. Planning Commission approval of the special land use minor vehicle repair.
2. All on-site repair work shall be done within the building.
3. No outdoor storage of material, merchandise, equipment, or other materials incidental to the operation.
4. Compliance with all applicable standards and requirements of the Kentwood Engineering Department.
5. Compliance with all applicable standards and requirements of the Kentwood Fire Department.

BASIS:

1. The use is a special land use within an FBC Form Based Code district and as such is compatible with the current zoning of the property and the Master Plan recommendation for mixed use development of the site.

2. The proposed use is not anticipated to have a substantial and adverse impact on neighboring property nor create any type of blight within the area.
3. The site plan otherwise meets the requirements of the Kentwood Zoning Ordinance.
4. Representations by the applicant at the work session and public hearing.
5. Discussion at the work session and public hearing.

**CITY OF KENTWOOD  
PLANNING COMMISSION  
PROPOSED  
FINDINGS OF FACT  
SEPTEMBER 14, 2021**

Golder 8/11/21

PROJECT: Cobblestone 3

APPLICATION: 25-21

REQUEST: Final Review of a PUD Phase

LOCATION: North of 44<sup>th</sup> Street, Stratton Boulevard extended

HEARING DATE: August 24, 2021

MOTION: **Motion by Benoit, supported by Poyner, to grant conditional approval of the final PUD site plan dated August 12, 2021 as described in Case No. 25-21. Approval is conditions on conditions 1 –5 and basis points 1 –4 as described in Golder’s memo dated August 11, 2021.**

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

CONDITIONS:

1. Review and approval of the site plan by the Kentwood City Engineer and Fire Marshal.
2. The Master Deed and Bylaws for the development and condominium association must be approved by the Kentwood City Attorney and City staff.
3. Applicant shall provide a grading and access easement, in a form to be approved by the City Attorney, to allow for the future construction of Stratton Boulevard to serve the property north of Cobblestone 3.
4. Staff review and approval of building elevations.
5. Staff approval of the landscaping and lighting plan for the site.

- BASIS:**
1. The PUD is part of the overall Ravines development and subject to any applicable conditions of the original approval and conditions.
  2. Stratton Boulevard was approved to extend north into the B-2 Neighborhood of the Ravines development. The road stops short of the common property line, since grading easements on the B-2 property would be required to continue the road to the north property line. The requirement for grading and access easements will allow a future developer to construct the connection to Stratton Boulevard, as required by the Preliminary PUD Plan.
  4. Discussion during the work session and public hearing.

**CITY OF KENTWOOD  
PLANNING COMMISSION  
PROPOSED  
FINDINGS OF FACT  
SEPTEMBER 14, 2021**

Pung 08/17/21

PROJECT: Woodhaven Condominiums Final PUD Site Plan

APPLICATION: 26-21

LOCATION: 4624 Walma Avenue, SE

HEARING DATE: August 24, 2021

REVIEW TYPE: Final PUD site plan.

MOTION: **Motion by Pemberton, supported by Brainerd, to grant conditional approval of the final PUD site plan dated July 12, 2021 for Woodhaven Condominiums as described in Case 26-21. Approval is conditioned on conditions 1-5 and basis points 1-7 as described in Pung's memo dated August 16, 2021.**

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

CONDITION:

1. Review and approval a final PUD Agreement by staff and the City Attorney. Approved PUD Agreement shall be signed and recorded.
2. Review and approval by city staff and the City Attorney of the Condominium Master Deed and By-laws.
3. City staff review and approval of a final landscape plan.
4. Compliance with all applicable City of Kentwood Engineering Department regulations and requirements.
5. Compliance with all applicable City of Kentwood Fire Department regulations and requirements.

BASIS:

1. To ensure appropriate landscaping and installation of required street trees.
2. The site plan is consistent with the major change and preliminary plan approved by the City Commission on May 10, 2021.

3. To assure adherence to all the conditions and clauses agreed upon in the Planned Unit Development Agreement.
4. To ensure compliance with Engineering and Fire Department regulations and requirements.
5. The development otherwise meets the requirements of the Kentwood Zoning Ordinance.
6. Applicant's representation at the work session and public hearing.
7. Discussion at the work session and public hearing.

STAFF REPORT: August 31, 2021  
PREPARED FOR: Kentwood Planning Commission  
PREPARED BY: Joe Pung  
CASE NO.: 27-21 Bethany Christian Services Major Change to SLU and Conditional Rezoning

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#### GENERAL INFORMATION

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APPLICANT: Bethany Christian Services    Rep.: Dana Anderson  
901 Eastern Avenue, NE    901 Eastern Avenue, NE  
Grand Rapids, MI 49501    Grand Rapids, MI 49501

STATUS OF APPLICANT: Property Owner

REQUESTED ACTION: Review of a major change to a special land use child caring institution and a major change to a conditional rezoning.

EXISTING ZONING OF SUBJECT PARCEL: R2 Two Family Residential (Conditional Rezoning)

GENERAL LOCATION: 3220 – 52<sup>nd</sup> Street

PARCEL SIZE: 1.03 acres

EXISTING LAND USE ON THE PARCEL: Child Caring Institution

ADJACENT AREA LAND USES:  
N: 52<sup>nd</sup> Street ROW  
S: Single Family Home (home is to the east along 52<sup>nd</sup> Street frontage – area behind subject property is undeveloped)  
E: Single Family Home  
W: Single Family Home (large parcel – home is 900+ feet to the southwest of the child caring institution)

ZONING ON ADJOINING PARCELS:  
N: R1-C Single Family Residential  
S: R1-A Single Family Residential  
E: R1-B Single Family Residential  
W: R1-B Single Family Residential

### Compatibility With Master Plan

The Master Plan recommendation is for low density residential development. The existing child caring institution is a special land use in the R2 Two Family Residential district and is consistent with the Master Plan recommendation for low density residential development. With the proposed modifications to the special land use and conditional rezoning, both would remain consistent with the Master Plan recommendation.

### Zoning History

The property had been zoned R1-B Single Family Residential since at least 1980. In 2014 the property was conditionally rezoned to R2 Two Family Residential (Case 1-14) to permit the development of a child caring institution (Case 2-14).

### Relevant Zoning Ordinance Sections

Section 3.29.C.3 requires the approval of both the City and landowner to change or alter conditions in an executed Conditional Rezoning Agreement. Section 13.04 requires Planning Commission review and approval of special land uses; the Planning Commission conditionally approved the special land use and site plan in 2014 (Case 02-14). The landowner wishes to modify one of the conditions of approval requiring the approval of the Planning Commission.

Section 13.08 outlines the general review standards.

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## SITE INFORMATION

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### Site Characteristics

The parcel is 1.03 acres in area and is the site of a child caring institution. The home is setback approximately 135 feet from the 52<sup>nd</sup> Street right-of-way. No changes to the site are proposed.

### Traffic & Circulation

The property is accessed off 52<sup>nd</sup> Street. No changes have been proposed to the existing access.

### Parking

The Zoning Ordinance requires a minimum of one (1) parking space per each four (4) beds plus one (1) per each on duty shift staff plus one (1) per each 4 off-site visiting staff. The building has an existing 2-stall attached garage and eight (8) outdoor parking spaces for a total of ten (10) parking spaces. The increase in capacity from the existing eight (8) beds to twelve (12) beds would increase the amount of required parking by one (1) additional parking space. The existing parking should be sufficient, but the applicant will need to provide information on current staffing levels to verify that the ten (10) parking spaces are sufficient.

Engineering

The development will have to meet all applicable Engineering Department regulations.

Fire

The development will have to meet all applicable Fire Department regulations.

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Staff Comments

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- 1) In 2014, the City Commission approved the conditional rezoning of the property from R1-B Single Family Residential to R2 Two Family Residential to allow for the development of a child caring institution (Case 1-14 – see attached *Findings of Fact* and *Conditional Rezoning Agreement*). A condition of the rezoning was that the capacity of the facility would be limited to eight (8) children. The applicant wishes to increase the capacity to a total of twelve (12) children and is therefore requesting approval from the City for this increase in capacity.
- 2) In 2014 the Planning Commission approved the special land use child caring institution (Case 2-14 – see attached *Findings of Fact*). A condition of the approval was that the capacity of the facility would be limited to eight (8) children. The applicant wishes to increase the capacity to a total of twelve (12) children and is therefore requesting approval from the Planning Commission for this increase in capacity.
- 3) Section 15.02 of the Zoning Ordinance (Special Approval Standards) states that the Planning Commission must determine that the proposed special land use and its location meet the following standards:
  - A. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

**With the increase in capacity, the use would still be consistent with the intended character of the area. No changes to the site or expansion of the existing building are proposed.**
  - B. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities or schools.

**The site is adequately served by essential public services.**

- C. Not create excessive additional requirements at public cost for public facilities and services.

**Concern has been expressed that an increase in capacity may lead to an increase in calls for service to the Kentwood Police Department. Since 2018 the Kentwood Police Department has responded to 63 calls for service at this location (see below for breakdown by year and incident type). Most of the calls (61) occurred in 2019 and 2020.**

**The breakdown by year is as follows:**

|             |           |
|-------------|-----------|
| <b>2018</b> | <b>1</b>  |
| <b>2019</b> | <b>33</b> |
| <b>2020</b> | <b>28</b> |
| <b>2021</b> | <b>1</b>  |

**The breakdown by incident type is as follows:**

|                                    |           |
|------------------------------------|-----------|
| <b>Assist Citizen or Motorist</b>  | <b>3</b>  |
| <b>Child Abuse</b>                 | <b>1</b>  |
| <b>Disorderly Conduct</b>          | <b>3</b>  |
| <b>Hit and Run</b>                 | <b>1</b>  |
| <b>Juvenile-Delinquent/Runaway</b> | <b>1</b>  |
| <b>Missing Person</b>              | <b>48</b> |
| <b>Noise Complaint</b>             | <b>1</b>  |
| <b>Suicide Investigation</b>       | <b>3</b>  |
| <b>Suspicious Activity</b>         | <b>2</b>  |
| <b>Grand Total</b>                 | <b>63</b> |

**There has been only one (1) call for service so far this year. The applicant needs to address the number of calls for service and under what circumstances the Kentwood Police Department is called.**

- D. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**The increase in capacity is not anticipated to create excessive traffic, noise, smoke, fumes, or odors that will be detrimental.**

- E. Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.

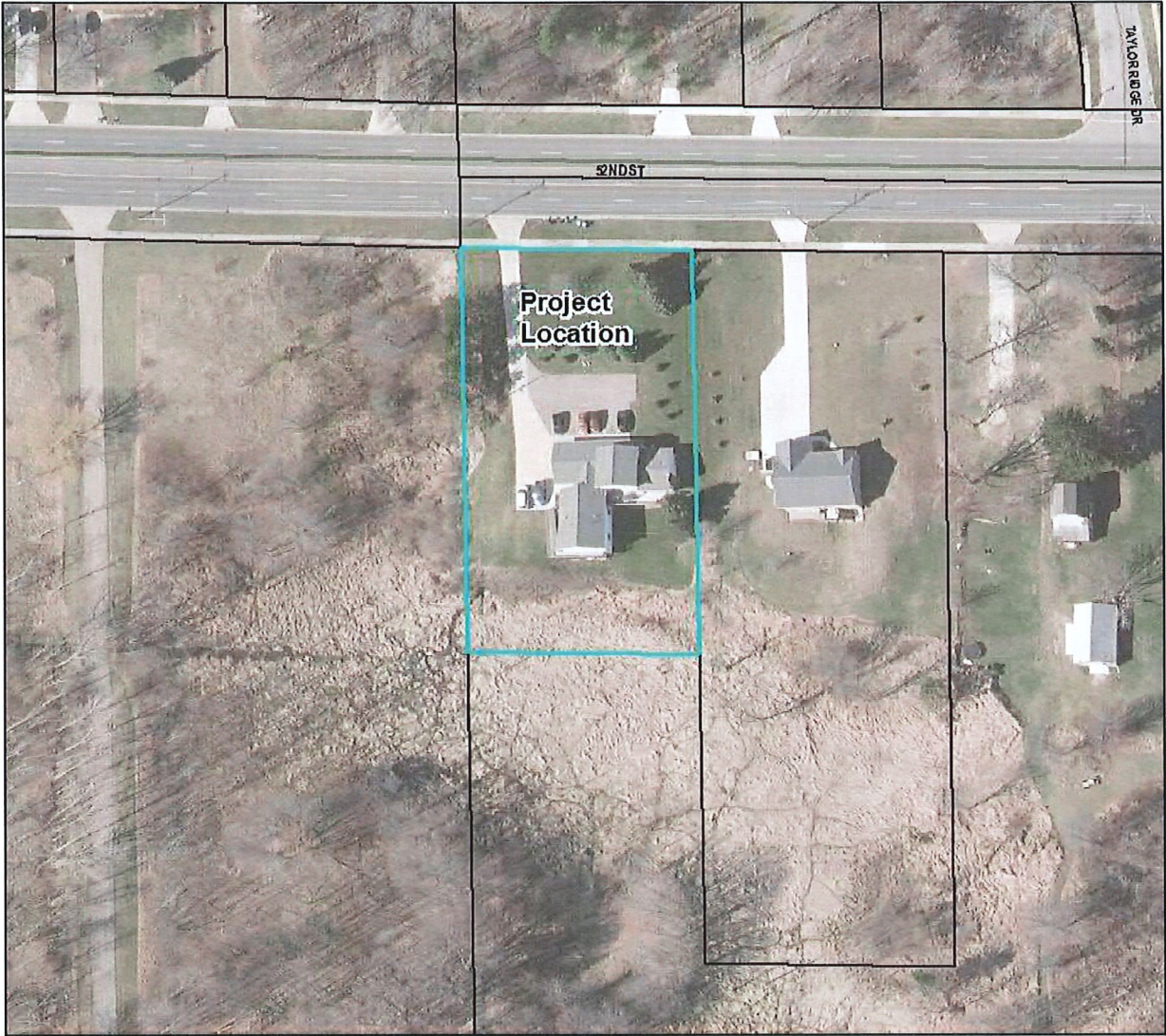
**The increase in capacity can be considered consistent with the zoning and the Master Plan recommendation for low density residential development.**

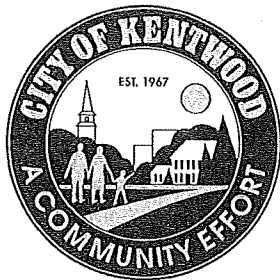
- F. Be subject to stipulations by the Planning Commission of additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of the Zoning Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the granting of the Special Land Use.
- G. Comply with all applicable licensing ordinances.

Issues

- Applicant to address the number of calls for service since 2017.
- Verify that the parking is sufficient based on currently staffing levels.

**Exhibit 1: Project Location (2020 Aerial Photo)**





**KENTWOOD CITY COMMISSION  
APPROVED  
FINDINGS OF FACT  
FEBRUARY 4, 2014**

Pung 01/10/14

**PROJECT:** Bethany Christian Services Rezoning

**APPLICATION:** 01-14

**LOCATION:** 3220 – 52<sup>nd</sup> Street

**HEARING DATE:** February 4, 2014

**REVIEW TYPE:** Conditional rezoning of 1.03 acres from R1-B Single Family Residential to R2 Two-Family Residential

**MOTION:** **Motion by Artz, supported by Haas, to adopt Ordinance 1-14 to approve rezoning of 1.3 acres of land located at 3220-52<sup>nd</sup> Street, SE from R-1B Single Family Residential to R-2 Two Family Residential with conditions 1-5 and Basis Points 1-8 as stated in the Planning Commission's Findings of Fact dated January 28, 2014.**

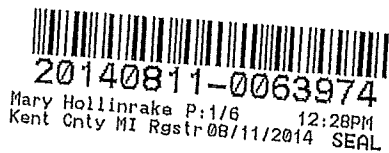
**Roll Call Vote: Yeas: Artz, Coughlin, DeMaagd, Haas, and Mayor Kepley. Nays: Brinks and Brown. Absent: None.**

- CONDITION:**
1. As offered by the applicant in the letter dated January 10, 2014; the following uses will be prohibited from the property:
    - Two Family Dwellings
    - Zero Lot Line, Single Family Detached Dwellings
    - Assisted Living Group Facility
    - Adult Foster Care Small Group Home
    - Adult Caring Institution
    - Adult Day Care Facility
  2. As offered by the applicant in the letter dated January 10, 2014, a Foster Family Group Home would be allowed subject to special land use and site plan review.

3. As offered by the applicant in the letter dated January 10, 2014, the capacity of a Child Care Institution is limited to a capacity of eight (8) children.
4. As offered by the applicant in the letter dated January 10, 2014, the applicant agrees to have the property revert back to R1-B Single Family Residential if the Zoning Ordinance is amended in the future to permit child caring institutions.
5. Execution of a formal written 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 limited uses that would be allowed under the conditional zoning would be compatible with the site's physical features.
3. The limited uses that would be allowed under the conditional zoning would be compatible with the zoning and uses in the surrounding area.
4. The City's infrastructure and services are sufficient to accommodate development of the property under the R2 Two Family Residential district.
5. The rezoning is not anticipated to have a substantial and permanent adverse impact on neighboring property; especially, when the restrictions on allowed uses are taken into consideration.
6. The rezoning 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.
7. Applicant's presentation at the Planning Commission work session and public hearing.
8. Discussion at the Planning Commission work session and public hearing.



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 20<sup>th</sup> 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

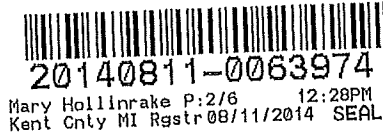
1. The Applicant is the fee simple owner of certain real property in the City located at 3220 52<sup>nd</sup> Street, S.E., having Permanent Parcel Number 41-18-35-100-001 and further legally described on the attached Exhibit "A," which is incorporated herein by reference ("Property").

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

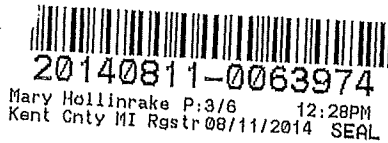
NOW, THEREFORE, in consideration of the promises and pledges contained herein, and in order to accomplish the foregoing purposes, the sufficiency of which the parties acknowledge, the parties agree:

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 purposed 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, negations 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.



- 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 Cnty MI Restr 08/11/2014 SEAL

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

By: [Signature]

Brian DeVos

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 DeVos, 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

[Signature: Phillip M. Garber]  
\*  
Notary Public, Kent County, Michigan  
Acting in Kent County, Michigan  
My commission expires: 05/14/2018

City of Kentwood, a Michigan municipal corporation

By: [Signature: Stephen Kepley]  
Stephen Kepley, Mayor

By: [Signature: Dan Kasunic]  
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

[Signature: Mary L. Bremer]  
\*  
Notary Public, KENT County, Michigan  
Acting in KENT County, Michigan  
My commission expires: 08-09-2016



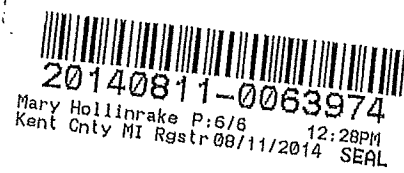
20140811-0063974

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



**KENTWOOD PLANNING COMMISSION  
APPROVED  
FINDINGS OF FACT  
JANUARY 28, 2014**

Pung 01/10/14

PROJECT: Bethany Christian Services

APPLICATION: 02-14

LOCATION: 3220 – 52<sup>nd</sup> Street

HEARING DATE: January 14, 2014

REVIEW TYPE: Special Land Use for a Child Caring Institution

MOTION: **Motion by Kape supported by VanderHoff, to grant conditional approval of the Special Land Use Child Caring Institution as described in Case #2-14: Bethany Christian Services. The approval is conditioned on conditions 1-7 and basis points 1-7.**

- Motion Carried (8-1) –
- Swanson opposed

- CONDITION:
1. City Commission approval of the request to conditionally rezone the property from R1-B Single Family Residential to R2 Two Family Residential
  2. The use is to be operated consistent with the description provided in the email received from Dana Anderson on December 4, 2013.
  3. No identification signs or institutional signs to be installed on the property.
  4. Additional screening for the parking area is to be installed. The additional screening is to be reviewed and approved by Planning Department staff to ensure compliance with the non-residential parking and screening provisions of the Kentwood Zoning Ordinance.
  5. Approval by the Kentwood Planning Commission of the site plan dated November 18, 2013 and building plans received January 8, 2014. The November 18, 2013 site plan is to be

updated to show the proposed addition onto the south side of the existing home.

6. Documentation of compliance with State Building and Fire Codes shall be submitted to the City.
7. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the State.

BASIS:

1. The property is currently zoned R1-B Single Family Residential which does not allow for child caring institutions. The applicant has requested a conditional rezoning of the property to R2 Two Family Residential which allows for child caring institutions as a special land use.
2. The use is consistent with both the Master Plan recommendation and the proposed zoning of the property.
3. The applicant stated at the work session that no identification sign would be placed on the property as it is their intent to provide a residential environment for the residents.
4. The use meets the special land use standards of Section 15.02 of the Kentwood Zoning Ordinance.
5. Section 15.04.M.3 requires that the non-residential parking and screening provisions be met which require a minimum 45-foot parking setback, 20-foot wide buffer and 6-foot high vertical screen.
6. Applicant's representations at the work session and public hearing.
7. Discussion at the work session and public hearing

**Pung, Joe**

---

**From:** Dana K. Anderson <danderson@bethany.org>  
**Sent:** Wednesday, December 04, 2013 9:16 PM  
**To:** Pung, Joe  
**Cc:** donteitsma@att.net; Mark L. Peterson; Dona M. Abbott; Lukas G. Ziolkowski; David L. Reminga

Hi Joe,

Per your request at the planning commission meeting last week, here is a synopsis of the girls group home.

We are planning to license the home for 6-8 girls, ages 15-17. The license would be a residential group home license and the home would be staffed round the clock with live in house parents and youth counselors who will provide 24/7 supervision and care. The program will also be staffed with a case manager and therapist as well. This program will be a part of our Refugee Foster Care program and the children may step down into foster homes when they "graduate" from this program. It is estimated that girls could live in the home up to 6-9 months before they would graduate into Foster Care or Independent Living.

The children would attend Kentwood Public Schools, whom we currently have a good partnership with as they provide excellent services to vulnerable refugee youth.

We, the applicants, are proposing a conditional rezoning of the property at 3220-52<sup>nd</sup> Street, SE from R1-B Single Family Residential to R-2 Two Family Residential.

Notwithstanding the provisions of Section 6.02 of the City of Kentwood's Zoning Ordinance, we offer that the following uses of the Property are prohibited:

- Two family dwellings
- Zero lot line, single family detached dwellings
- Assisted Living Group Facility
- Adult foster care small group home
- Adult Caring Institution

In addition a Foster Family Group Home would be allowed subject to Special Land Use and Site Plan Approval and the Special Land Use and Site Plan Approval allowance for a Child Care Institution would be limited to a capacity of 8 children.

Please feel free to contact me with any additional questions at 616-340-2339

Dana K. Anderson MA, LLPC  
UAC Program Manager  
Cell Phone: 616-340-2339  
Fax: 616-827-0762

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 52<sup>nd</sup> 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.

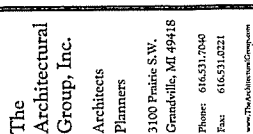
Dana Anderson

Vice President Refugee Services

Bethany Christian Services

616-340-2339





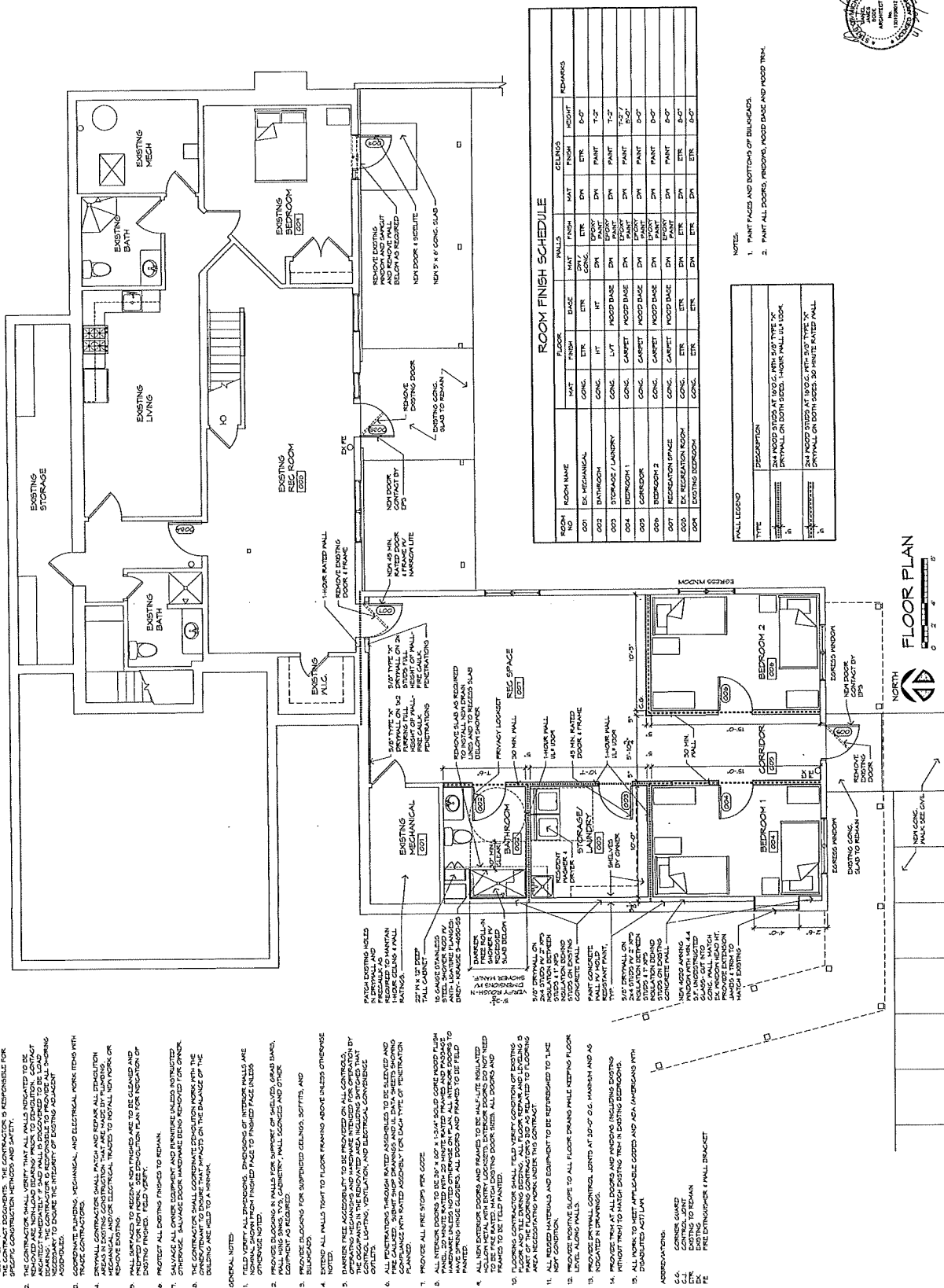
**Renovations to:**  
**Bethany Christian Services**  
**Bellaview Girls' Home**  
3320 52nd Street, Kentwood, Michigan

Dr. JLF  
Ap. DUB

Date Issued For  
06-30-21 DRS. & CONSTE.

Title No. 2021-12  
Drawing



A1



| ROOM FINISH SCHEDULE |                    |       |       |        |           |       |        |        |           |         |        |         |      |
|----------------------|--------------------|-------|-------|--------|-----------|-------|--------|--------|-----------|---------|--------|---------|------|
| ROOM NO.             | ROOM NAME          | FLOOR |       |        |           | WALLS |        |        |           | CEILING |        | REMARKS |      |
|                      |                    | WAT   | CONC. | ETR    | BASE      | WAT   | FINISH | DAZE   | FINISH    | WAT     | FINISH |         |      |
| 001                  | EX. MECHANICAL     | CONC. |       | ETR    |           | CONC. |        | ETR    |           | CONC.   |        | ETR     | 0-0" |
| 002                  | WATERPROOF         | CONC. |       | WAT    |           | CONC. |        | WAT    |           | CONC.   |        | WAT     | 1-2" |
| 003                  | STORAGE / LAUNDRY  | CONC. |       | WAT    | WOOD BASE | CONC. |        | WAT    | WOOD BASE | CONC.   |        | WAT     | 1-2" |
| 004                  | INTERROOM 1        | CONC. |       | CARPET | WOOD BASE | CONC. |        | CARPET | WOOD BASE | CONC.   |        | CARPET  | 0-0" |
| 005                  | INTERROOM 2        | CONC. |       | CARPET | WOOD BASE | CONC. |        | CARPET | WOOD BASE | CONC.   |        | CARPET  | 0-0" |
| 006                  | INTERROOM 3        | CONC. |       | CARPET | WOOD BASE | CONC. |        | CARPET | WOOD BASE | CONC.   |        | CARPET  | 0-0" |
| 007                  | REGISTRATION PHASE | CONC. |       | ETR    |           | CONC. |        | ETR    |           | CONC.   |        | ETR     | 0-0" |
| 008                  | REGISTRATION ROOM  | CONC. |       | ETR    |           | CONC. |        | ETR    |           | CONC.   |        | ETR     | 0-0" |
| 009                  | EX. MECHANICAL     | CONC. |       | ETR    |           | CONC. |        | ETR    |           | CONC.   |        | ETR     | 0-0" |

NOTES:

1. PAINT FACES AND BOTTOMS OF DULKHEADS.

| MALL LEGEND   |   |
|---|---|
| TYPE  | DESCRIPTION   |
|  a | 2ND FLOOR STOPS AT 160°C WITH 5.0" TYPE "X" DRYWALL ON BOTH SIDES. 1 HOUR MALL UL 180R  |
|  b | 3RD FLOOR STOPS AT 160°C WITH 5.0" TYPE "X" DRYWALL ON BOTH SIDES. 30 MINUTE RATED MALL |

[illegible][illegible]

ABBREVIATIONS:

|      |                                      |
|------|--------------------------------------|
| C.G. | CORNER GUARD                         |
| C.J. | CONTROL JOINT                        |
| CTR  | EXITING TO REMAIN                    |
| EX   | EXITING                              |
| FP   | FIRST FLOOR/UPPER & WALL DISASSEMBLY |



# Memorandum

**To:** Zoning Ordinance Subcommittee

**CC:**

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

**Date:** September 7, 2021

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

---

Recently the Land Use and Zoning (LUZ) Subcommittee met with an applicant looking at locating an indoor recreation facility within an existing building in the I1 Light Industrial district. The Zoning Ordinance currently does not permit recreation facilities (indoor or outdoor) in industrial districts. The request was not the first heard by the city and at least one variance had been granted in the past to permit an indoor recreation facility in an industrial building.

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

To facilitate discussion on the subject, staff researched what other communities allow with respect to recreational facilities in their industrial districts. The results are as follows:

| Community          | Allowance  |
|--------------------|--|
| Grandville         | Permit indoor recreation centers and health or fitness centers as a special land use in the I-1 & I-2 districts  |
| Wyoming            | No allowance for indoor recreation centers in industrial districts but do allow Athletic Training Facilities as a SLU (allows for competitive events)      |
| Grand Rapids       | Not allowed in IT – Industrial Transportation district   |
| City of Walker     | Minor recreation (commercial indoor), major recreation (commercial indoor) and outdoor recreation (commercial) are a SLU in the ML Light Industry district |
| Cascade Township   | No allowance   |
| Alpine Township    | No allowance   |
| Byron Township     | Indoor recreational facilities and health clubs are permitted in the D1 Light Industrial district, outdoor recreation facilities are not permitted.        |
| City of Greenville | Indoor recreation establishments are a permitted use in the IND Industrial District  |

|                   |  |
|-------------------|--|
| City of Portage   | No allowance   |
| City of Kalamazoo | Allowance for participant sports and recreation (indoor & outdoor) in the manufacturing districts (M1 & M2)  |
| Canton Township   | Private indoor recreation is a permitted use in the L1 Light Industrial district. Private outdoor recreation is a SLU in the LI Light Industrial districts |

If indoor recreation were added to the list of allowable uses with the I1 Light Industrial district and possibly the I2 Heavy Industrial district, it is staff's recommendation that it be as a special land use.

Section 15.02 of the Zoning Ordinance lists the special land use general approval standards applying to all special land use reviews. They are as follows:

- A) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the area in which it is proposed.
- B) Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities or schools.
- C) Not create excessive additional requirements at public cost for public facilities and services.
- D) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, electrical or electromagnetic interference or odors.
- E) Be compatible and in accordance with the goals, objectives and policies of the Master Plan and promote the Intent and Purpose of the zoning district in which it is proposed to locate.
- F) Be subject to stipulations by the Planning Commission of additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirements shall automatically invalidate the granting of the Special Land Use.
- G) Comply with all applicable licensing ordinances.

In addition to the special land use general approval standards listed above, the following use specific approval standards under Section 15.04 of the Zoning Ordinance apply to indoor recreational facilities:

*September 7, 2021*

1. The principal and accessory uses and buildings shall not be located within one hundred (100) feet of any residential district or use.
2. All uses shall be conducted completely within a fully enclosed building.

#### Topics for Discussion

- 1) What impact would adding the allowance for indoor recreation have on the availability of land/facilities for industrial/manufacturing use?
- 2) Are there other use specific criteria that should be considered for indoor recreation facilities in an industrial district (re: amount of parking, separation of passenger and truck traffic, etc.)?



# Memorandum

**To:** Zoning Ordinance Subcommittee

**CC:**

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

**Date:** September 7, 2021

**Re:** Zoning Ordinance Update (RPUD-1 & RPUD-2 Descriptions)

---

The current residential planned unit development districts in Kentwood are:

- RPUD -1 High Density Residential
- RPUD-2 Single Family Residential.

To describe the intent and purpose of the districts more accurately, the proposed change is to rename them as follows:

- RPUD-1 Attached Residential
- RPUD-2 Detached Residential

## Comments

- 1) The proposed change would more accurately describe the type of housing intended for each RPUD district. Under the current RPUD-1 district title there is often the misunderstanding that apartments and other high-density development is intended/proposed. Although apartments are allowed under the RPUD-1 district, the primary intent has been to allow for attached condominium developments which are not permitted under the RPUD-2 district nor the R1 single family residential districts.



# Memorandum

**To:** Zoning Ordinance Subcommittee

**CC:**

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

**Date:** September 2, 2021

**Re:** Section 90-38: Variances to the Subdivision Control Ordinance

---

The City Attorney has recommended that the following amendments be made to the subdivision control ordinance.

## **Current Language**

(b) *Other subdivisions.*

- (1) *Demonstration of need.* If the proprietor can clearly demonstrate that literal enforcement of the terms of this article is impractical or will impose undue hardship in the use of his land because of peculiar conditions pertaining to his land, the zoning board of appeals may at its discretion, permit such variances it finds reasonable and within the general policy and purpose of this article. No variance shall be granted unless the zoning board of appeals finds that:
  - a. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this article would deprive the proprietor of the reasonable use of his land.
  - b. The variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
  - c. The granting of the variance will not be detrimental to the public welfare or be injurious to property in the area in which the property is situated.
- (2) *Conditions.* The zoning board of appeals, in granting approval of variances, may require such conditions as will secure substantially the objectives of the requirement varied or modified.
- (3) *Application.* An application for any such variance shall be submitted to the zoning board of appeals at the time the preliminary plat is filed with the community development department. The application shall fully state the grounds for such a variance.

## Proposed Language

(b) *Other subdivisions.*

- (1) *Demonstration of need.* If the proprietor can clearly demonstrate that literal enforcement of the terms of this article is impractical ~~or will impose undue hardship in the use of his land~~ because of peculiar conditions pertaining to his land, the zoning board of appeals may at its discretion, permit such variances it finds reasonable and within the general policy and purpose of this article. No variance shall be granted unless the zoning board of appeals finds that:
  - a. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this article would deprive the proprietor of the reasonable use of his land.
  - b. The variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
  - c. The granting of the variance will not be detrimental to the public welfare or be injurious to property in the area in which the property is situated.
- (2) *Conditions.* The zoning board of appeals, in granting approval of variances, may require such conditions as will secure substantially the objectives of the requirement varied or modified.
- (3) *Application.* An application for any such variance shall be submitted to the zoning board of appeals ~~at the time the preliminary plat is filed with the community development department~~. The application shall fully state the grounds for such a variance.

## Comments

- 1) The proposed changes will clarify the standards for granting a variance and remove the restriction that any variances to this ordinance must be filed at the same time as the preliminary plat application is filed.



# Memorandum

**To:** Zoning Ordinance Subcommittee

**CC:**

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

**Date:** September 8, 2021

**Re:** Zoning Ordinance Update (Adult Foster Care Facilities)

---

Over the past year, the Land Use and Zoning (LUZ) Subcommittee has met with two (2) applicants looking at developing adult foster care large group homes.

The State of Michigan defines Adult Foster Care (AFC) homes as licensed residential settings that provide 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped or aged who cannot live alone but who do not need continuous nursing care.

AFC Homes are restricted to providing care to no more than 20 adults.

The State of Michigan currently identifies five (5) types of adult foster care homes:

- Adult Foster Care Family Home (Licensed for 3-6 residents/licensee must live in the home)
- Adult Foster Care Small Group Home (Licensed for 3-6)
- Adult Medium Group Home (Licensed for 7-12 residents)
- Adult Large Group Home (Licensed for 13-20 residents)
- Adult Congregate Facility (Capacity >20/per Public Act 218 the licensure of new AFC's for more than 20 persons is prohibited)

The Kentwood Zoning Ordinance makes allowance for adult foster care family homes (capacity of 1-6) and adult foster care small group homes (capacity of 1-12), the ordinance does not allow for adult foster care large group homes.

Based on information on the Michigan Department of Licensing and Regulatory Affairs website, there are eleven (11) licensed adult large group homes (as defined by the State) in Kentwood with all but one located in the same building with at least one other large group home.

The adult large group homes, as identified by the State, in Kentwood are as follows:

|  |   |
|--|---|
| AHSL Kentwood Cobblestone<br>AHSL Kentwood Cobblestone<br>AHSL Kentwood Fieldstone<br>AHSL Kentwood Fieldstone<br>AHSL Kentwood Riverstone<br>AHSL Kentwood Riverstone | 6 separately licensed facilities located within 2 building (2 facilities in one building and 4 in the other building). Received SLU approval from the City in 1986 as an adult foster care facility (at that time a group home was any facility caring for 7 or more persons)         |
| Oxford Manor East<br>Oxford Manor West<br>Windsor Manor North<br>Windsor Manor South   | 4 facilities located within 2 buildings (2 facilities in each building). The facilities were approved by the city in 1994 as “Congregate Care”. The city approved ordinance amendments (which are no longer in existence) in 1994 to make allowance for “congregate care” facilities. |
| Holland Home Breton Extended Care  | Approved by the City in 2019 as an adult caring institution   |

In addition to the eleven (11) licensed adult large foster care group homes, there are three (3) licensed adult medium group homes (as defined by the State), twenty-five (25) licensed adult small foster care group homes (as defined by the State), and four (4) adult family foster care homes (as defined by the State) in Kentwood.

### **Current Ordinance Language Relating to Adult Foster Care:**

#### ***Section 2.02 Definitions***

*Adult Care Facilities: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the State Department of Consumer and Industry Services. The organizations shall be defined as follows:*

- 1. Adult foster care facility: A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.*
- 2. Adult foster care small group home: A private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.*

3. *Adult foster care family home: A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.*

*Adult caring institution. A state licensed adult residential facility which provides care and supervision on a 24-hour basis for the treatment of mental health, alcohol or substance abuse or other long-term illness or rehabilitation program. The terms "institutions for mentally handicapped," "drug or alcohol patients," "correctional institutions" or "mental health facilities" shall mean the same, with regard to persons 18 years of age or older.*

### **Section 3.20 Residential Child and Adult Care Facilities**

*As defined in Chapter 2 Definitions, the following uses are allowed only as provided for in the following Table of Facilities and Zoning Districts. Refer to Chapter 15 Approval Standards for Special Land Uses for applicable conditions.*

*P: Land and/or buildings may be used for the purposes listed by right.*

*SLU: Land and/or buildings may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 and elsewhere are met:*

*SLU as accessory: Land and/or buildings may only be allowed as an accessory to an approved use, such as a church, school, recreation facility, office or other similar use upon review and approval of a Special Land Use approval, in accordance with general and specific standards.*

| <b>Type of Facility per District</b>      | <b>R1-A, B, C, D</b> | <b>R-2, 3, 4, 5</b> | <b>C-2, 3, 4</b> | <b>OS</b> | <b>Form Based Code (FBC)</b> | <b>I-1, I-2</b>                          |
|---|----------------------|---------------------|------------------|-----------|------------------------------|--|
| <i>Adult foster care family home</i>      | <i>P</i>             | <i>P</i>            | <i>--</i>        | <i>--</i> | <i>P</i>                     | <i>--</i>                                |
| <i>Adult foster care small group home</i> | <i>SLU</i>           | <i>SLU</i>          | <i>--</i>        | <i>--</i> | <i>SLU</i>                   | <i>--</i>                                |
| <i>Adult day care facility</i>            | <i>--</i>            | <i>SLU</i>          | <i>SLU</i>       | <i>--</i> | <i>SLU</i>                   | <i>--</i>                                |
| <i>Foster family home</i>                 | <i>P</i>             | <i>P</i>            | <i>--</i>        | <i>--</i> | <i>P</i>                     | <i>--</i>                                |
| <i>Foster family group home</i>           | <i>SLU</i>           | <i>P</i>            | <i>--</i>        | <i>--</i> | <i>SLU</i>                   | <i>--</i>                                |
| <i>Family child day care home</i>         | <i>P</i>             | <i>P</i>            | <i>--</i>        | <i>--</i> | <i>P</i>                     | <i>--</i>                                |
| <i>Group child day care home</i>          | <i>P</i>             | <i>P</i>            | <i>--</i>        | <i>--</i> | <i>SLU</i>                   | <i>--</i>                                |
| <i>Child Care Center</i>                  | <i>SLU</i>           | <i>SLU</i>          | <i>P</i>         | <i>--</i> | <i>SLU</i>                   | <i>SLU as accessory and freestanding</i> |

|                                 |    |            |    |    |            |    |
|---------------------------------|----|------------|----|----|------------|----|
| <i>Child Caring Institution</i> | -- | <i>SLU</i> | -- | -- | <i>SLU</i> | -- |
| <i>Adult Caring Institution</i> | -- | <i>SLU</i> | -- | -- | --         | -- |

*A. Requirements Pertaining to Group Child Day Care Homes*

- 1. There shall be sufficient on-site outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a minimum of four (4) foot tall fence, provided that no such fence shall be located in the front yard.*
- 2. Ingress and egress shall be provided as far as possible from two (2) intersecting streets and shall be at least one hundred (100) feet from two through streets.*
- 3. A group child day care shall not be located within a twelve hundred (1,200) foot radius of any other group child day care.*
- 4. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the other group day care home.*
- 5. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.*

***Section 15.04.A: Adult foster care small group home***

- 1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the State.*
- 2. The applicant shall submit documentation of compliance with State Building and Fire Codes.*
- 3. Non-residential parking setback and screening provisions shall apply.*
- 4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline, and architecture with the District and neighborhood in which it is located.*

**Draft Ordinance Language:**

As noted earlier, the State of Michigan has five (5) classifications for adult foster care facilities while the City's current Zoning Ordinance has only two (2) classifications and neither makes allowance for large group homes. The intent would be to modify the Zoning Ordinance to be more consistent with State of Michigan regulations, etc. Below is draft ordinance language for review and discussion.

***Section 2.02 Definitions***

*Adult Care Facilities: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the State Department of Consumer and Industry Services. The organizations shall be defined as follows:*

- 1. Adult foster care facility: A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who*

are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

2. Adult foster care small group home: A ~~adult foster care facility private home~~ with the approved capacity to receive ~~twelve (12)~~ **six (6)** or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.
3. **Adult foster care medium group home: A adult foster care facility with the approved capacity to receive seven (7) to twelve (12) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.**
4. **Adult foster care large group home: A adult foster care facility with the approved capacity to receive thirteen (13) to twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.**
5. Adult foster care family home: A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**(The proposed amendments modify the definition of small group home and add definitions for medium and large adult foster care group homes consistent with the State of Michigan classifications.)**

### **Section 3.20 Residential Child and Adult Care Facilities**

As defined in Chapter 2 Definitions, the following uses are allowed only as provided for in the following Table of Facilities and Zoning Districts. Refer to Chapter 15 Approval Standards for Special Land Uses for applicable conditions.

*P:* Land and/or buildings may be used for the purposes listed by right.

*SLU:* Land and/or buildings may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 and elsewhere are met:

*SLU as accessory:* Land and/or buildings may only be allowed as an accessory to an approved use, such as a church, school, recreation facility, office or other similar use upon review and approval of a Special Land Use approval, in accordance with general and specific standards.

| <b>Type of Facility per District</b> | <b>R1-A, B, C, D</b> | <b>R-2, 3, 4, 5</b> | <b>C-2, 3, 4</b> | <b>OS</b> | <b>Form Based Code (FBC)</b> | <b>I-1, I-2</b> |
|--------------------------------------|----------------------|---------------------|------------------|-----------|------------------------------|-----------------|
| Adult foster care family home        | P                    | P                   | --               | --        | P                            | --              |

|                                     |              |              |            |    |              |  |
|-------------------------------------|--------------|--------------|------------|----|--------------|--|
| Adult foster care small group home  | <i>SLU P</i> | <i>SLU P</i> | --         | -- | <i>SLU P</i> | --                                       |
| Adult foster care medium group home | <i>SLU</i>   | <i>P</i>     |            |    | <i>P</i>     |  |
| Adult foster care large group home  |              | <i>SLU</i>   |            |    | <i>SLU</i>   |  |
| Adult day care facility             | --           | <i>SLU</i>   | <i>SLU</i> | -- | <i>SLU</i>   | --                                       |
| Foster family home                  | <i>P</i>     | <i>P</i>     | --         | -- | <i>P</i>     | --                                       |
| Foster family group home            | <i>SLU</i>   | <i>P</i>     | --         | -- | <i>SLU</i>   | --                                       |
| Family child day care home          | <i>P</i>     | <i>P</i>     | --         | -- | <i>P</i>     | --                                       |
| Group child day care home           | <i>P</i>     | <i>P</i>     | --         | -- | <i>SLU</i>   | --                                       |
| Child Care Center                   | <i>SLU</i>   | <i>SLU</i>   | <i>P</i>   | -- | <i>SLU</i>   | <i>SLU as accessory and freestanding</i> |
| Child Caring Institution            | --           | <i>SLU</i>   | --         | -- | <i>SLU</i>   | --                                       |
| Adult Caring Institution            | --           | <i>SLU</i>   | --         | -- | --           | --                                       |

**A. Requirements Pertaining to Group Child Day Care Homes**

1. There shall be sufficient on-site outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a minimum of four (4) foot tall fence, provided that no such fence shall be located in the front yard.
2. Ingress and egress shall be provided as far as possible from two (2) intersecting streets and shall be at least one hundred (100) feet from two through streets.
3. A group child day care shall not be located within a twelve hundred (1,200) foot radius of any other group child day care.
4. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the other group day care home.
5. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.

**(The proposed amendments make adult foster care small group homes a permitted use in all residential districts and the Form Based Code district. Classifications for medium and large adult foster care group homes have been added with medium group homes a special land use in R1 residential districts and a permitted use in all other residential districts and the Form Based Code district and large group homes not permitted in R1 residential districts and a special land use in all other residential districts and the Form Based Code district. Section**

**2.06 (1) of the Michigan Zoning Enabling Act states: Except as otherwise provided in subsection (2), a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.)**

***Section 15.04.A: Adult foster care ~~small~~ medium and large group homes***

- ~~1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the State.~~
- ~~2. The applicant shall submit documentation of compliance with State Building and Fire Codes.~~
  1. Non-residential parking setback and screening provisions shall apply.
  2. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline, and architecture with the District and neighborhood in which it is located.

**(Proposed amendments would only require use specific design criteria for medium and large group homes and remove requirements number one and number two. The city has not enforced the requirement for continual documentation of a valid license nor documentation of compliance with the State Building and Fire Codes.)**

**Comments:**

- 1) In researching and drafting the proposed language, staff did reach out to the existing adult foster care large group home in Kentwood for perspective and comments. Below is a comment received from one of the providers:

*I would lobby to NOT require a separation between large group home facilities. I am not sure what the intent would be to do so?*

*I would also lobby TO allow multiple facilities within the same building - and allowing utilization of shared spaces. What is the intent to prohibit this?*

*Allowing this would give facilities access to more flexible staffing and resources. Health Care everywhere is short on staffing, and it is projected to get worse as the population ages and there are less bodies coming up to fill the holes needed in the workforce to care for the elderly. It would be nice to have shared spaces such as dining, beauty/salon services/fitness centers etc. - it would decrease the cost for facilities by having only ONE of these areas for multiple AFC's versus having to pay to put one in EACH AFC. It is so expensive to build that when the cost gets high, facilities are going to cut these "amenities" - which can have a negative impact on the quality of life for the residents in AFC.*

In the original information sent to the providers, it was noted that some possible restriction/requirements could be limiting the number of facilities within a single building and requiring a separation between facilities. The current draft language does not include either of these requirements.