

CITY OF HUDSONVILLE
Planning Commission Minutes
June 20, 2018

Approved July 24, 2018

6340 Autumn Drive – Heritage Christian School – Site Plan Amendment
3633 Van Buren Street & 5751 36th Avenue – Creekside Companies – Special Use Permit
3633 Van Buren Street & 5751 36th Avenue – Creekside Companies – Formal Preliminary PUD

Chairman VanDenBerg called the meeting to order at 7:00 p.m.

Present: VanDenBerg, Leatherman, Northrup, Schmuker, Waterman, Bendert, Raterink, DeVree, Strikwerda and Schut

Absent: Staal

PUBLIC COMMENTS

1. A motion was made by Raterink, with support by DeVree, to approve the minutes of the May 16, 2018 Planning Commission meeting.

Yeas 7, Nays 0

NEW BUSINESS

2. **6340 Autumn Drive – Heritage Christian School – Site Plan Amendment**

VanDenBerg opened the public hearing.

Dave Hanko, Vice President of Feenstra & Associates, Inc., representing Heritage Christian School reviewed the Site Plan Amendment request for 3 additions totaling 7,555 s.f. that include 2 third grade classrooms (2,264 s.f.), 3 junior high classrooms (2,780 s.f.) and a teacher's lounge (2,511 s.f.).

The staff report was presented.

The following discussion took place:

- The location of the deferred parking area was looked at.
- No additional requirements to the storm water detention pound were required per engineer review.

VanDenBerg closed the public hearing.

A motion was made by Waterman, with support by Raterink, to approve the Site Plan Amendment for 3 additions totaling 7,555 s.f. for Heritage Christian School at 6340 Autumn Drive. This approval is based on the finding that all of the site plan review standards from the Hudsonville Zoning Ordinance are met with the following condition:

1. The deferred parking spaces will be required when their need is evident as determined by the city's Zoning Director.

Yeas 7, Nays 0

Schmuker arrived at 7:06 p.m.

3. **3633 Van Buren Street and 5751 36th Street – Creekside Companies – Special Use Permit**

VanDenBerg opened the public hearing.

Doug Butterworth President of Creekside Companies, located at 3672 Chicago Drive, Hudsonville, MI reviewed the request for the Special Use Permit to allow for a PUD. We are certified CAPS designers, which means we take into consideration the livability and the visitability of homes. The livability of a home design allows for changes to the occupants lifestyle due to natural aging. Their designs allow aging in place or the ability for an individual not needing to change their residency due to an illness, accident or those types of things. The visitability of the home design is a newer term. It allows the home to function well while accepting guests who may not be able bodied. It gives more options in creating a home that allows access to people with all types of disabilities. Todd R. Stuive, P.E. with Exxel Engineering Inc. was also present.

Gordon DeKruyter of 5721 Lawndale has concerns with the design of the project with how close the homes are to the neighbors. Concern that the design does not take into consideration the neighborhood.

The staff report was presented.

Ross Leisman, Mika Meyers, PLC representing Ross & Suzann Van Klompenberg of 5750 Lawndale Avenue. They disagree that the proposed development meets the 5 standards that are in the ordinance. One of them is that it is compatible with existing land uses and another is that it is free of adverse conditions because the memo says that it matches the zoning and surrounding area. We would respectfully submit that it's not true, that what's actually proposed exceeds the permitted density. District R-1-B allows by right 10,000 s.f. per lot. So if you divide it by 10,000 you get 4.35 units per acre. If this is done under the actual zoning for this district when it was rezoned you would not be able to count the roads. In other words you can't get 10,000 s.f. lots if you count the roads. What this PUD does is they count the road in counting the density. If you look on the plan the calculations on it are 24 units divided by 5.9 acres, which should be 5.4 acres, is 4.33 units per acre so in order to do that you have to count the roads. So actually the density exceeds what would be allowed in the R-1-B district. It is denser than the homes west of the development, so it doesn't match.

Another issue is that a PUD must demonstrate that it is compatible with the surrounding development and that there are benefits to it that you can slightly increase density but the ordinance has an exception that the density is not exceeded for any 1 acre within the PUD site which would be 4.5 units per acre in the R-1 district. You have a development plan that doesn't comply with the standards in your zoning ordinance for both the PUD and for the district. So we respectfully submit that in respect to the density that the plan does not meet it.

The other thing that it talks about is open space, and it shall be conveniently and equitably located throughout the PUD and should be usable for the function intended to be maintainable. There is none of that in this plan. What they have done is put the units, the exact size of the house, then everything else is counted as open space. It is not open space. The area between two houses is just that, it is not dedicated open space. So we would respectfully submit there is not usable open space. It looks like what they have done is to have the minimum to meet fire code between the buildings. And the third thing is the rear yard setbacks. The purpose of rear yard setbacks are so that if you have single family houses that are butting up to each other that you have a yard and your neighbor has a similar yard in between each other. What the zoning ordinance requires are 40' back yards and what this development does instead is turns the units sideways as you come in and their argument is that it is a side yard, even though it is only 12' from the back yard of the other existing houses. So we would respectfully submit that it does not meet the density requirements, it doesn't comply with the maximum density per acre so it doesn't meet the zoning ordinance requirements, the open space doesn't comply with the requirements, and that it's not compatible with the surrounding houses.

Strikwerda responded with the following:

Throughout the ordinance, it states development shall not exceed the density for any 1 acre – in this case, within the PUD. As far as I can tell, there has never been a time when a plan has been measured out acre by acre. One problem is that there isn't a definition for how to measure an acre as far as shape goes. The density requirement for any development has always been defined as density for the project as a whole, otherwise we would have serious urban sprawl issues and most of Hudsonville wouldn't meet density requirements. To test it I drew a one-acre square around some homes east of 36th Avenue next to this development and it contained 6 homes. I then drew a one-acre rectangle (of 663 x 65.7) around the adjacent homes along 36th Avenue and I got all of the homes and the duplex in that rectangle – 9 units.

One of the purposes of a PUD is “to promote the efficient use of land to facilitate a more economic arrangement of building, circulation systems, land use, and utilities.” – We would not be able to do that if we measured each acre separately. One of the Master Plan implementation strategies states “Density done well is an important element of building a livable city. Increasing density will lead to more vibrancy.” Ultimately this design is spread out pretty evenly when looking at the property shape.

The General Standards for the Special Use Permit were reviewed.

- The proposed use is permitted by right.
- Master Plan compatibility was highlighted with Guiding Principles and Implementation Strategies.

The following discussion took place:

For clarification on the building setbacks between the units that Ross alluded to as being building setbacks that should be excluded. The ordinance states that those can be included? Yes.

Leatherman indicated his understanding of open space in his condo complex is that everything that is outside of the 4 walls of every unit is considered open space. He has access to any of that area where he lives whether it is in-between, behind, in front or next to any unit in his complex. Elmwood meets these same standards.

Is open space meant by definition to be public use? Open space is interpreted as use by anyone in that development. The ordinance identifies any undeveloped area as open space. It would depend on the type of development that may include the rights to traverse it. The point is that nothing would be built in the calculated area. This is a very general category where it is not built on. It cannot include road circulation aisles and parking lot areas. Even with these areas excluded will we still meet the open space percentage? Yes. There is 25% even when front and side yards are excluded.

The side yard and back yard setback definitions were reviewed by Strikwerda.

VanDenBerg closed the public hearing.

A motion was made by Northrup, with support by Bendert, to approve the Special Use Permit in accordance with Section 13-6 of the City of Hudsonville Zoning Ordinance for City Park Villas at 5751 36th Avenue and 3633 Van Buren Street. This approval is based on the finding that the standards in Section 13-6 of the Hudsonville Zoning Ordinance have been affirmatively met with the following conditions:

1. The Creekside Companies development plan must be approved as a Planned Unit Development in accordance with Article 11 of the City of Hudsonville Zoning Ordinance.
2. Approval is contingent on completion of a purchase and development agreement with the City of Hudsonville.

Yeas 8, Nays 0

4. **3633 Van Buren Street and 5751 36th Street – Creekside Companies – Formal Preliminary PUD**

VanDenBerg opened the public hearing.

Doug Butterworth President of Creekside Companies, located at 3672 Chicago Drive, Hudsonville, MI reviewed the PUD request.

The staff report was presented. It was found that this plan meets the purposes for a PUD.

The following discussion took place:

Daniel DeWeerd of 5719 36th Avenue, the house that is on the corner of VandeBunte Lane and 36th Avenue. He is concerned about road safety, considering that his young girls play in the back yard any chance they get. He currently has a 6' tall fence on his property and a large tree that will obscure the vision of oncoming traffic potentially in both directions. The current spacing might not be safe enough for him. He indicated he understands there has been talk of putting boulders, fences or trees as barriers, however we need to consider weight and strength wise, they might not be the best stopping force against a half ton vehicle. An additional 5' to the north would not lose a whole lot of space for these units and it would get it to the full normal requirements. Another concern is his property value. VandeBunte Lane is going to cover 2 out of 4 edges of my property. In most developments the corner lots are the last to sell, and this is effectively worse because I will have my property surrounded by roads on 3 sides. One potential solution if it were to be considered would be to move the road more to the north and move a few units to the south. It would open up the visibility and not have our property surrounded by roads. This should be considered as a condition.

Ross Leisman, Mika Meyers, PLC representing Ross & Susann Van Klompenberg of 5750 Lawndale Avenue. Reviewed what was previously discussed in regard to the Special Land Use. One thing to note is that when there is a discussion on blighted property it is the property to the south and there has been no showing that that couldn't be separately developed. The property to the north is a baseball field and has been for years. This plan does not comply with the zoning ordinance. In your zoning ordinance the only way to increase the density over R-1-B is if you make a finding that it is compatible with the surrounding development and that the density maximums are not exceeded for any 1 acre within the PUD site. In a normal PUD curb cuts are minimized but with this plan you have 11.

In response to the reference to the density in R-1-B, there is no language in the R-1-B chapter that discusses density. There is language on lot sizes, setbacks and uses but not density. The only discussion is in the PUD chapter and that is the 4.5 units per acre.

Ana DeWeerd of 5719 36th Avenue, indicated she has 1 major issue with this plan and that this is where her children play and is very concerned with their safety and have the road be the minimum 20 feet setback.

VanDenBerg closed the public hearing.

Strikwerda responded that it is important to give the neighbors protection with boulders and buffering of some kind. Doug has talked to the owners to make adjustments to their property to assist in the safety.

The cul-de-sac length was reviewed.

Can options be discussed between now and the next meeting with the owners of the effected property. Yes. It was suggested to add a condition to this request.

It was asked if the applicant would be willing to add public amenities to the northeast corner of the property as a definite benefit for the community. The applicant agreed.

It was asked if the sidewalk going through the property was going to be public or private. Public with no restrictions. It was suggested to add sidewalk along units 4-6.

A motion was made by Northrup, with support by Leatherman, to approve the Statement of Conclusions for City Park Villas located at 3633 Van Buren Street and 5751 36th Avenue. This approval is based on the finding that the standards in Section 11-8 E. of the Hudsonville Zoning Ordinance have been affirmatively met as follows:

Statement of Conclusions

PUD plan conditions:

1. Provide detail that shows a 45' aerial fire truck can make the 90 degree turn in VandeBunte Lane.
2. A topographical map will be required as part of the Final PUD.
3. Full utilities that meet the required standards will be provided as part of the Final PUD.
4. Consider adjusting the road location adjacent to lot 1 to avoid 3 roads on 3 sides.
5. Consider adding public amenities on the corner of 36th Avenue and Hillcrest Road.
6. Consider adding sidewalk in front of units 4-6.

There is definite benefit and consistency with the city's Master Plan. This project matches the intent of the Medium Density Residential Land Use Designation from the Imagine Hudsonville 2030 Master Plan which promotes residential development with the following quotes:

- **A Livable City Guiding Principle** "A variety of housing opportunities that fulfil independent living for all stages of life – all within a walkable context." This rezoning will enable a housing type we currently do not have with its aging-in-place design that includes a zero-step.
- **A Distinctive City Guiding Principle** "Infrastructure that encourages sustainable design." There is a lot of benefit to infill development that uses existing infrastructure.
- **A Livable City Implementation Strategy #7** "Maintain the stability of the City's existing residential neighborhoods by ensuring that existing residential zoning requirements do not substantially change." The proposed development is able to keep within the density requirements with single-family detached units even though it is a challenging property to develop.
- **A Livable City Implementation Strategy #7** "Provide opportunities for new neighborhoods."
- **A Livable City Implementation Strategy #8** "Density done well is an important element of building a livable city. Increasing density will lead to more vibrancy." This reduces urban sprawl, increases the number of residents and improves financial stability in the city.
- **A Vibrant City Implementation Strategy #2** "Strongly encourage development and redevelopment in areas that are already developed, where infrastructure is already in place, where land is not meeting its highest and best use."

This situation is unique in that the City Commission agreed to sell the Hillcrest Ball Diamond with the condition that it gets developed as a single-family detached residential development and they have agreed to sell it in conjunction with the plan that was submitted for 24 single-family detached residential condominium units that have an aging-in-place design that includes a zero-step. A blighted property along with a single-use park that does not fill a community need can be repurposed for a use that will benefit people with mobility limitations and enable people to age in place for a longer time than traditional homes. A purchase and development agreement is being prepared in correlation with the plan that has been submitted. No additional studies are warranted.

The plan meets the regulations as set forth with the proposed deviations:

	Required	Proposed
1. Private road from adjacent property	20'	12'
2. Front yard building setback	35'	25'
3. Side yard building setback	20'	11'
4. Rear yard building setback	80'	52'
5. Cul-de-sac radius	40'	30'

The safeguards, features, and/or planning mechanisms to achieve the intended regulation objective for each deviation are as follows:

1. The private road is 12' from the property line behind the 36th Avenue homes. Shifting this portion of the road farther from the property line would cause other spacing issues along the west property line. The entry portion of the road was shifted another 3' to the north without causing a negative impact to the layout, so it is now 15' from the property line. The road radius comes closer to the lot line. The dead-end road for units 14-16 was shifted a little so it does not face directly at the back yard of the northernmost lot along 36th Avenue. Landscaping and/or fencing are proposed as a buffer along the entire street and in other key locations, along with other protections for the corner in VandeBunte Lane. If a public street were constructed in this location the roadway would be about 17' from the lot line and a driveway only needs to be 1' from a property line, neither of which would require any buffering.
2. The front yard building setback minimum requirement is 35' along Van Buren Street, 36th Avenue and Hillcrest Road. The adjacent house on Hillcrest Road is about 26' from the right-of-way and the homes along 36th Avenue range from as low as 21' with the closest homes to this development being about 28', so this is a consistent setback on these streets. The existing homes along Van Buren Street on this block match the required setback although the homes on the block to the east are as close as 20' with none of them being over 30' so it is not out of line with the area.
3. & 4. The minimum side yard setback is 10' and rear yard setback is 40' but that assumes individual parcels so the total setback is 20' between homes and 80' behind homes. In this development everyone shares the open space. The interior side yard and rear yard building setbacks vary throughout the development. The safeguard for most of the buildings is that they are angled so the spacing appears much greater. The tight spacing of the units that have 11' side yard do not affect external property owners. The smaller setbacks enable the

- development to avoid having attached units. It should also be noted that accessory buildings only need to be 8' apart on single family lots (4' from the lot line) and this development will not have individual accessory buildings, reducing a that kind of building clutter.
5. The cul-de-sac radius standard is 40', but this radius is 30'. The smaller radius is proposed due to the narrow lot and minimal use on the end of the private road. This is sufficient for most vehicles. One exception is the city's largest fire truck. It will have the ability to get in there quickly but will need to back out using the other private street to turn around or do a multiple point turn. Since there is an opportunity to turn around on site and their use will be so minimal, this is a sufficient option. A larger radius is detrimental to the overall layout with not much benefit to retaining the larger size. To help compensate, the road angle has been adjusted since the last plan, with larger radii being provided for the road leading into the cul-de-sac bulb, creating a larger space along the edges of the cul-de-sac bulb to help with maneuvering.

Yeas 8, Nays 0

5. **ADJOURNMENT**

The meeting adjourned at 9:32 p.m.

Respectfully Submitted,
Teri Schut
Planning / Zoning Assistant