

**City of Hudsonville
Planning Commission Minutes**

Special Meeting
July 24, 2018

Approved August 15, 2018

**3633 Van Buren Street & 5751 36th Avenue – Creekside Companies – Informal Final
PUD**

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

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

Absent: None

PUBLIC COMMENTS

Ross stated that he and Suzann Van Klompenberg of 5750 Lawndale Avenue, want to continue their objection to the project on 36th street for the reasons previously expressed at the time of the June 20th meeting and the letter that was sent to the Planning Commission last week. We are asking that the letter be included in the record and that the minutes from the June 20 meeting include the substance of our objection.

1. A motion was made by Raterink, with support by Staal, to approve the minutes of the June 20, 2018 Planning Commission meeting.

Yeas 9, Nays 0

NEW BUSINESS

2. **3633 Van Buren Street and 5751 36th Street – Creekside Companies – Informal Final PUD**

The staff report was presented with the following additional comments.

- Big picture: A quality development on a quiet street. There is a lot of landscaping and trees throughout and it has a unique and improved housing style that will be a benefit to the city.
- Intent is to discuss details where warranted in preparation for the next meeting, which will have a public hearing, where intent is final approval for this application.
- The 24 single-family detached residential units are consistent with appearance of what is permitted and expected in the R-1-B Zone District but of higher quality than required, including attached garages with frosted glass doors, and stone on the front facade.
- The street lights will be on timers from 7:00 a.m. to dawn and dusk until 9:00 p.m.
- This has a traditional garage and driveway layout so it is not seen as an excessive amount of parking.

- If a 3rd stall is added on the corner of unit #7 the corner of the garage would be 20' from VandeBunte Lane's cul-de-sac bulb, this is not an impact of concern.
- Attempt to retain existing trees where construction will allow.
- A letter from the attorney was received and each item has been considered and dealt with.

Doug Butterworth President of Creekside Companies, located at 3672 Chicago Drive, Hudsonville, MI reviewed the PUD request. He thanked the Planning Commission for accommodating this special meeting and appreciates all of your service here. As president of Creekside Companies he wanted to state on record that we are proceeding forward with this development project not only based on positive and unanimous voting record of the Planning Commission but also verbal assurances of ordinance interpretations through Mr. Waterman and Mr. Wendt as well as professional reviews by city outside counsel and planner Dan Strikwerda that Creekside Companies has followed all of the City of Hudsonville regulations and requirements concerning this matter as intended and written and has presented a PUD that fits within its regulations. I know this is reflected in the minutes and the voting history of record. But I wanted to reiterate it here. We have made the decision to keep moving forward based on the discussions that have happened here.

A couple of new items that have come up, one is compatibility. We firmly believe that our units are very compatible as an infill development compared to residential housing stock that is currently there. The standalone condo design is an anomaly. They are usually treated as a higher end marketing product in other developments. Many reviews and changes have been made on the design of the units before deciding on this single family standalone detached design. Other items that make this more custom are the 3rd stall garage opportunities in a condo development, with the glass door design, stone on the front, metal roof accents, high quality material selections along with the zero step design which will accept a lot of living situation.

The following discussion took place:

- Sidewalk along VandeBunte Lane verses buffering with a fence and/or landscaping along neighboring properties were reviewed.
- It was asked if both trees and a fence could be put in, would also like to see some trees that could grow large. Yes this could be looked into.
- Fence locations were discussed along with how to maintain between the fences and if neighbors could but up to the new fence. It was suggested to have the fence 3' off the property line to make it easier to maintain along the existing neighboring fences.
- Do we know how many neighbors have existing fences? No, but most do.
- It was stated that they don't see a need to have a sidewalk go through the entire condo development because of limited traffic that goes slowly through there so you can walk along the edge safely. A fence and landscaping makes more sense.
- The reason for the fence is for safety correct? Yes, it was suggested to help protect children from neighboring properties from going on the road. It is also an aesthetic feature for the applicant but the applicant would rather see trees.
- Location, design and safety concerns were reviewed.
- Other condo developments do not have sidewalks and that does not stop people from walking through it, people drive slower.
- The only way to ensure that the fence will always be there between these properties is to require it as part of the development plan.

- A landscape boundary does not give a clear definition where a fence would. He likes the sidewalk, it would allow residents to walk through the property. Maintaining this feature is a good idea.
- For clarification the sidewalk area that is being discussed is the piece along VandeBunte Lane.
- The way the sidewalk ends into the cul-de-sac is inviting to the public, and does help to give it a more open feeling that yes the public is welcome and shows it is not just for the residents of the condo development. The use will be light. He is trying to keep the existing pine trees.
- What about the fence being extended to the north side of Mr. DeWeerd's property, do we do anything with a fence there? There is an existing fence on his property. With all of the shifts that have been made to the street there is 20' from the lot line which is within what the ordinance requires. Would hate to see fence on fence off 36th Avenue.
- Concern with safety on the north corner of the DeWeerd property if only a fence is put there. Would like to see the boulders and trees instead of a fence. This is being discussed with the owners of the property. It was their suggestion of the boulders.
- This should be added to the findings and recommendations that you will consider the discussion from this meeting and the details of the fence will be included in the final plan that will have a public hearing in a couple of weeks.
- Landscaping on the west side of the development was reviewed.
- There will be a 10 x 12 accessory building on the property across the street from unit 16 near the mailbox kiosk for community use of yard equipment.
- In the restricted covenants there will be some language that pertains to the perpetual use of open space, because that was something that was brought up that is not specifically listed on the plan, but it should be made clear that the green spaces will always be green areas. Will there be a chance to review them before the next meeting? Yes.
- Could Mr. Wendt respond to the letter from the attorney as to if there is anything that we are doing that would put us in any legal jeopardy?

Mr. Wendt stated to Mr. Butterworth that he never gave him verbal assurances. When you go through the process of establishing a PUD much of this is subjective rather than objective. We just had a 30 minute discussion on some subjective matters rather than objective.

To address the letter there are 3 points, the first one has to deal with how you calculate how many units are allowed in a development. As Dan referenced in the report the city's position is that the 4.5 units per acre apply collectively over the entire development. The second has to do with open space and as Dan has adequately pointed out the minimum is 25% and the calculation is 57% open space. There is some question to whether or not you can or should count the setback areas, in the zoning ordinance it is clearly permitted, you can't count roads but you can count setback areas as part of the open space. The third item has to do with if there was a safety issue in respect to the area along the new private road and you have dealt with that in fact I want to point out what the letter says that it creates safety concerns for children playing in the yards of the existing homes on 36th Avenue. He believes that has been addressed. The other portion of #3 is a question of whether or not that it changes the character of the surrounding neighborhood and again Dan has adequately addressed that. So to answer the question, yes you have adequately addressed the issues in the letter.

- It was asked if historically, have we included the roads and driveways in the density? Yes, we always have.

A motion was made by Waterman, with support by Leatherman, to approve the following findings and recommendations of the proposed Final PUD from Creekside Companies for 3633 Van Buren Street and 5751 36th Avenue in accordance with Section 11-11 A. of the Hudsonville Zoning Ordinance, including the deviations and safeguards as listed. A public hearing will be scheduled for the Final PUD on August 15, 2018.

Statement of Findings and Recommendations

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 sidewalk was removed from this area since it would have limited use, increases the paved surface width from 24' to 29', and allows for more green space. Within the 12' buffer area, a fence provides the highest level of safety for preventing children from being able to run onto the road from the back yards. The entry portion of the road is now compliant, being 20' from the property line. The road radius comes slightly closer to the lot line. Due to moving the entry portion of the road, the intersection of VandeBunte Land and VandeBunte Court no longer is directed towards private property. 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. Shifting Unit #1 back 5' is possible if this becomes requested but its current location works better with the existing home to the west and Unit #2 to the east. Internal to the development the corner of Unit #7 will be 20' from the cul-de-sac bulb of VandeBunte Lane, if it has a 3rd stall on the garage causing no negative impacts.
3. & 4. The minimum side yard setback is 10' and rear yard setback is 40' but that assumes individual parcels where 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 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.

This plan meets the regulations as set forth with the following recommended conditions:

1. Lighting will need to be directed downward to meet Dark Sky Society criteria.
2. Label VandeBunte Court.
3. Adjust the landscaping plans for accuracy.
4. Provide an updated watermain and fire hydrant design.
5. Provide an easement for the utilities as needed, including the fire hydrants.
6. City Engineer approval is needed for the final design.
7. The deed restrictions shall provide for the City of Hudsonville to assess private property owners with an interest in common open space for the cost of maintenance in the event that inadequate private maintenance results in a public nuisance.
8. Provide the declaration of covenants and restrictions for review prior to next meeting.
9. Provide the by-laws and articles of incorporation of the Property Owners Association.
10. A fence to be added to the east side of the development.

Yeas 9, Nays 0

3. **ADJOURNMENT**

The meeting adjourned at 8:27 p.m.

Respectfully Submitted,

Teri Schut
Planning / Zoning Assistant