

ALLENDALE CHARTER TOWNSHIP  
PLANNING COMMISSION SPECIAL MEETING  
REQUEST BY ALLSWARD TERRACE

March 2, 2011

Members Present: Knoper, Sinnott, Underhill, Rozema, Zickus, Smit and Schut

Members Absent:

Staff Present:

1. Meeting called to order at 7:30 p.m.
2. Public Hearings: (None)
3. Site Plan review: Special Meeting

A. Final PUD Development Plan review for Allsward Terrace.

Underhill stated that a letter from the fire department was submitted and they are satisfied with the plan submitted. A staff report from Johnson, Township Planner, was received. Johnson was not present at the meeting.

Underhill asked the applicant to discuss the project and the revisions that were made at from discussions at previous meetings. After that Underhill would like to accept public comment and then the planning commission will have its discussion and deliberation.

Jeff Vos from Infrastructure C & E represented Allsward Terrace. Vos stated that Allsward Terrace is 50 unit, single family townhome development. More details on the curb and gutter and paving were added to the plan. The community building was added to the plan; it was not required by ordinance. All public utilities will be onsite, the roadways will be private and there will be 200 parking spaces which will be covered spaces.

Underhill opened the floor for public comments and reminded everyone that this meeting was not a scheduled or advertised public hearing but the commission will treat it as such.

Doris Koenig, 10574 52<sup>nd</sup> Avenue, lives right across from Windfield Drive and has lived there 15 years this fall. Her taxes have doubled since everything has been coming into town. She fenced her house in about 5 years ago, since being fenced in she has had break-ins and college students coming from behind my house from 48<sup>th</sup> Avenue. Since the college student complex came on Pierce Street, there is extra traffic, much more activity and noise. So to have more students added to the neighborhood, it's just not good.

Dan Hayes, 5315 Windfield Drive, submitted a document to the commission. (see attached) Hayes stated that there are eleven complexes within bicycle riding distance of the campus. The hard numbers of just what the web sites are showing for people looking for additional roommates is well over 200 people and Hayes believes that is what is being proposed to be added here for approval. That's not including the three largest campuses on 48<sup>th</sup> Avenue, that's just basically requests for roommates. Hayes understands Allendale wants to look like a growing community but there are two ways a town can grow; in a good direction building up the community and small business or continue in a bad direction which by allowing more townhomes/student housing will defiantly do. You the planning commission have the privilege and the responsibility on deciding what direction the town is headed and what land is used for. Allendale should be a town that has GVSU in it not a college that has a strangle hold on the town and its residents. Why are these part-time dwellers and out of town investors being prioritized over Allendale's full time residents. Hayes can tell you till he's blue in the face that more townhomes aren't needed but he believes the commission already knows that. Currently 18 townhouses are listed on Allendale's website for student voter registration. Numbers clearly show that more townhomes are not needed, why make even more vacant rooms that aren't needed with a \$7,000,000 price tag when so many open beds already exist just waiting for students to fill. The transitional phase of single family lots shouldn't even be discussed; those lots will never be developed. Unless Mr. Koster, the land owner, is part of the original construction and it's done all at once with the construction of Allsward Terrace. Koster's word cannot be trusted, just ask any of the residents of Windfield, put his money where his mouth is, he should have plenty of money to develop the lots after selling the corner lot. If it is such a great transition why leave it out of the project. He should have no problem selling the lots if it's a great situation to live next to college students. But we all know that won't happen because so many things that are being told by Mr. Vos that he thinks the residents want to hear just to get his project approved, such as the transition, sidewalks, security and all the important ways to get to the trash dumpster. Nothing will ever come of these proposed lots for the transition promise to the current residents of Windfield. The three larger complexes on 48<sup>th</sup> Avenue share one security guard for their properties why would a smaller complex have its own security guard. It sure sounds good but far from reality. After the last meeting Hayes got the impression that this was going to be passed no matter what the current residents concerns are, especially when the main concerns are whether the property line will consist of a fence or a berm. No value will be added to this city or current community by allowing this complex to be built. So please ask yourself when is enough, enough. Why would any full time resident want more student housing in their community.

Ms. Pomeroy, 5327 Windfield Drive, stated that she would just like to touch on a couple of things she's seen in the last 6 months or so. Coming home from the grocery store at 5:00 p.m. a SUV was coming down our street with a kid in a recliner chained to it,

drinking a beer. The SUV then turned down 52<sup>nd</sup> Avenue. There are 8 kids under the age of 4 living on Windfield Street right now. It is not a busy street so we have a lot of young children. We have people driving across lawns; Pomeroy can't let her daughter play outside with her because you can hear profanity 2 houses off. It's bad enough right now that my husband, who is an older age college student who will be graduating soon, it makes us wonder if we as a family want to stay here. What's the direction for Allendale? Families or college students?

Roger Thomas, 5303 Windfield. If any of you people would ask yourself, would you want this crap in your backyard, Thomas doesn't think so and he doesn't see why it has to be in our backyards. If anybody right now asked him if he thought Allendale was a good place to live he would tell them to stay far away from it as they could.

Rand & Eric Vandyken, owns a duplex at 10294 64<sup>th</sup> Avenue. He has had a problem with the occupancy ordinance. Here you have a complex that's growing just a few miles from my property and my property was built with the intent of rental property and yet the ordinance that I believe which was put in place in 1996, is so out dated it not funny. It has been tweaked and it has been changed by a number of people just for their particular situations and yet he's sitting here and with about 1400 sq. ft. per side and he can only put 2 unrelated people in each side. The express purpose of the ordinance is to maintain a family-like neighborhood. But in the neighborhood, my residents, family or not, are explanatory compared to the neighbors. So from what Vandyken understands this project is allowed 4 students per unit and he can only put 2. He has 1400 sq. ft., 2 bathrooms, and 3 bedrooms. When there is as much vacancy as what is happening, essentially there is an excess of rental space. Vacancies are lasting longer, the rents can't be raised, which means properties can't be maintained properly and he can't improve his property because the money is not there. His properties are declining and our taxes continue to rise. In his case, more competition in the resident rental pool and makes it tough. He thinks the ordinance is outdated; he has an acre lot, it's all about density. Vandyken would like to sit down with someone here and talk about a solution. Mr. Knoper? Knoper asked when Vandyken wanted to meet and as soon as schedules get together they will meet.

Underhill hearing no further comments closed the public comment time and the planning commission began their discussion on the Allsward Terrace project. Underhill suggested starting with the staff report and going through the comments. (see report attached) Underhill read Johnson's report.

Underhill brought up the first item - building elevations, our ordinance requires that 50% be of brick, block, cement board, stone or similar be shown on the building. As Mr. Vos stated, that the commission has some architectural elevations now showing the changes adding hardy board. The plans clearly shows the fronts of the residential structures, this was discussed at the previous meeting and brought to a resolution at that

time. Actual color schedules of the buildings were submitted. The architect from Allsward Terrace explained that basically with color they are trying to create a community feel but at the same time give each house its own identity. That can be achieved by using the same roof color per each building, all standing and running trim will be in white and then the siding color would vary and that gives us the identities for each building. The materials are vinyl but not all just horizontal siding; we're using a mix of board and batten, textured shingles on the walls as well as the horizontal siding. There is a nice mix of variety and textures. Underhill recalls that at the last meeting the commission spent some time with this issue and to a certain extent he thinks that there was a tentative agreement that the materials were sufficient. Schut said that it's been indicated that prior to this the preliminary plan was approved and that this plan was sufficient. Schut stated that the ordinance says that 50% of the exterior walls are supposed to be of brick, block, cement board, stone or like materials. Schut was not on the planning commission when the preliminary was approved but feels that the ordinance should be followed by using the 50% rule of different materials. Rozema agrees with Schut. Rozema was not here when these decisions were made on this project but since she has been on the planning commission these requirements have been enforced on other applicants and projects. Vos stated that this was already discussed but can understand what you are saying. Vos made the changes to the plans as were discussed at the last meeting. Underhill stated that it was brought up at the last meeting but he'll raise it again. 5 of the 7 of us were not on the planning commission at the time this project was passed for the Preliminary PUD Development Plan for Allsward Terrace. Underhill stated that the rules are the rules but the PUD provides the wiggle room from those rules and that's the whole mechanism of the PUD but from his experience that requirement was not one that was completely walked away from. Discussion took place on materials. The initial buildings proposed were long building with one color brick. And then a couple of years later when Allsward Terrace came with this layout. Smit stated that with this project the applicant brought in several variations of material and designs. At the time this look fit the look for transitional housing. The goal was to have these structures look more like single family homes, that's why it passed at that time. Underhill posed the question to Smit and Knoper asking if the Springfields Development, when it was passed, had any requirement on the homes to have 50% be of brick, block, cement board, stone or like materials. Knoper stated that he did not believe so. Vos stated that what if relative to the fronts of the buildings, exposed to the streets, 52<sup>nd</sup> Avenue and Pierce Street, they add 50% of 50% with brick or like materials to the fronts of the units. Knoper stated that maybe hardy plank or cement board would work, which is also accepted. Zickus does think what was submitted is very attractive but the ordinance does have rules and the commission does have to be consistent, her concern is consistency. Discussion took place on the materials. It was decided that in between the building the can be vinyl. The front of the building will have hardy board siding on all ends with porches.

Next item on the report is the community building. Smit suggested hardy board on just the front of the building as well. Underhill asked Vos if the community building was only for the residents of Allsward Terrace. Vos stated yes that was correct. Zickus believes that all 4 sides should be done with some form of hard surface material. Discussion took place on hard surface materials for the community building. The hardy board will be on all 4 sides up to the eave on the community building.

Next item, car ports. They are steel structures with steel material on the ends not quite to the ground so they won't rust. Knoper suggested siding on the ends facing the roads. Discussion took place on the carport materials. Vinyl siding is acceptable and preferred on the carports that are facing the roads with coordinating color variations.

Next item - square footage of the gross floor area. Vos explained that on the first plan the square footage included the front porches in the measurement; it was excluded on this plan. Underhill read #2 from Mr. Johnson's staff report regarding square footage. (see attached) The planning commission agreed that the change in the square footage is minor and accepted that change. The square footage of the units will change from 1920 square feet to 1888 square feet.

Underhill stated that at the last meeting it was discussed that the word proposed should be removed on the plans. Vos stated that he understood that and explained the word proposed was still in the legend and in the description of the parking spaces. Vos added a note on the plan that explained that "proposed" as presented on this plan is used for the sole purpose of distinguishing existing facilities from those that will be built as part of the project. The word proposed normally refers to, assuming to be built which is optional, instead here it means, is required. Vos stated that the word proposed is only on the legend of the plan. The planning commission was satisfied with the change.

Next item, carport area width. No issues with the parking area width with the planning commission.

Underhill started going over the summary part of the staff report. (see attached) Underhill wanted to address some of the public comment concerns that he wrote down such as taxes, the need for more housing, inappropriate behavior of students, traffic, break-ins etc. From the economic standpoint this is not a board that can make decisions with respect to an economic need, lack or desire for any type of development the commission is charged with interpretation of the zoning ordinance as set forth, with enforcement and making sure that applicants are adhering to it. Nowhere in the zoning ordinance is there or really can there be any requirements that can be put on any given developer with the regard to economic need. To say it simply if McDonalds and Burger King sell cheeseburgers and Wendy's came, followed the ordinances in place, the planning commission cannot say no because they feel there is no need to have anyone

else selling cheeseburgers. Even if there is a concern out there, we cannot use it in our decision making process. The comment to do with taxes follows along the line, that the commission does not have anything to do with fiscal policies. Rozema stated that even though we cannot allow these items to affect our decision making your elected board officials can. So if residents have comments, pass them on to the board, they make the final decision. Zickus stated that she doesn't believe that there is a person in this room who doesn't feel terrible for those of you that have had to come home and witnessed everything that you have. She expressed her feelings for the situation and that she did care about their concerns. Underhill asked Vos about the discussions of safety issues that had taken place in the past, didn't you address it at the January 17, 2001 meeting, Vos stated yes and it is listed in the conditions for approval in the staff's report if approved. Schut asked if this development is within the student housing area, Knoper stated yes, it is the outer edge of that approved area. Underhill stated that that did not mean that it could not be changed or have some of that discussion again though. He reviewed the minutes back to those original meetings, that was prior to Mr. Johnson being hired and there was not a whole lot of recorded comment with that discussion, there was acknowledgement of the discussion and that it was accepted under the University Village area. Smit stated that he remembers in the discussion it was discussed that this was a transition area from student housing to residential and it was not going to go any farther than Mystic Woods south and any farther than Mystic Woods west of this development. Underhill would just like to say that while it was approved in the Springfield's plan originally, that the 10 - 8 unit buildings, therefore 80 units multiplied by 4 would have 320 students and now we have today 50 building with 200 students. He cannot argue that it is not a better design than previously approved. 10 - 8 unit buildings would have been atrocious in my mind. This is an absolute improvement but he will say again, he doesn't believe that this is a proper transition. He thinks transition should happen over a much more gradual path with greater distance. He doesn't live in this area of the township and he doesn't live in an area that he thinks will see university housing unless everyone around him decides to rent their houses but he knows this is not what he would consider favorable in his backyard either. Underhill stated that he has had several discussions with the township attorney as well as the planner with regard to where the commission stands on this project which has Preliminary PUD approval preceding a Final. Normally the commission would see a Preliminary PUD Plan, would work through the details, and we would approve it and immediately see a Final PUD Plan. Obviously in this two years, with the economy has slowed down immensely. But what Underhill does understand from all of those discussions is that, the way the ordinance is set up, and the procedure for reviewing and approving and/or denying PUD projects, is very clearly it is set up that the major design elements are approved at the preliminary stage and then the finer tuned elements are approved at the final stage and the preliminary elements entail things like general layout, density, sizes and kinds of buildings and the major, very

visible parts of the design process. Once that receives preliminary approval the process is such that it is passed along to the board and it's adopted and it is recorded as part of the ordinance. Then the Final PUD is discussed on the finer tuned elements and you've heard us go back and forth extensively with regard to the architectural elements, landscaping, dumpsters and numerous different things that we spent a lot of time on at the last meeting. Not to say that we're backed up to the wall and we have to accept anything at the final stage even though we did at the preliminary but our ordinance does put us in a position with our procedure that once it goes through preliminary to an extent we have accepted the general idea.

Underhill began reading through the conditions (see attached) and asked for comments as he went along. Underhill would like to consider adding to condition c. which has to do with grading and stormwater plans for the project or adding an i., which would require that all necessary engineering and site development permits are granted and that copies are provided to the township. The commission suggested adding a letter i. condition to the list. i. All necessary approvals and permits be provided to the township to be kept on file. Sinnott would like condition c. to include approval of the drain commission also. Sinnott questions conditions d. and wonders what regular basis means when it comes to the site patrol for security in the project. That seems a little open. Vos said they are intending to hire the same security firm that everyone else has at the other complexes and he believes it will be patrolled every day. Sinnott just wants to make sure the security is effective, that is the goal of this condition. Knoper stated to Vos that with this owner there might not be a problem but the next owner might not read this condition the same way or understand it that way. The commission had discussion on the correct wording for the security. Vos stated that the reason for the community building was to have someone on staff in the building. Sinnott asked if someone was going to be in that building at night. Vos stated that he did not believe so, that's where the security company comes into play. Vos asked what other complexes were doing. Knoper did not know what they were doing now but he knew they had heavier patrols on weekends and law enforcement, our community policing staff really appreciate them because they have more power than the policemen have, because the complexes have their rules and the security firm can enforce them where as the police officers can't. Underhill stated that to some extent some of the other complexes we have concern for safety but not insofar single family residential are right next door to them. In this case it's right next door. Underhill asked if it was full time patrol at night. Vos stated that until it is occupied it would be hard to answer that. Underhill stated that he is not excited about the situation at all; we could have people at the township board meeting once a month discussing that, what is happening is not adequate. There is a certain level of comfort there Underhill might find but not with just saying it will be figured out. Saying that it's going to be figured out is like saying that it's going to be argued about for a few years and a lot of people will then be shorted in that. Knoper asked if providing contract information of the

firm hired to the township for their approval would help. Discussion took place on times that security should take place. Sinnott stated that it apparently isn't working as effectively as it could and that is the primary concern we have in front of us, it's one of our duties to consider this. What are the trouble nights, how's it working and how do they handle it. Those are the things. Sinnott doesn't know if the commission can mandate dates, times and hours but he thinks it's a big issue. Underhill stated that this is the most important thing to do with this development. Smit agrees with Knoper, have Allsward bring the information and/or contract that explains the coverage to township staff for approval. Underhill has full trust in the township staff but as an appointed position he doesn't know if he's comfortable passing the buck so to speak, not to say that is the intention. Underhill thinks something should be included that says that township staff would report complaints back to the commission, its good to know that for the future decisions. Schut feels putting something more restrictive in place and having staff be able to back it down if it's needed, maybe make it full time with staff being able to review it and be able to reduce it if needed. Vos suggested that security could report to staff if needed, on a regular basis and make necessary steps to improve patrols if necessary as directed by the township. Vos stated that he did not know what security can do on public streets. Underhill said that sometime just the presence of security can help. Discussion continued on security. Sinnott asked what exactly does the security firm do? Is there anything they are supposed to follow like covenant restrictions, what are the restrictions or guidelines. Knoper stated that part of the security is if you do not belong there you would be ticketed. So if you have your car parked in the project and you don't live there you would receive a ticket and the ticket is enough to detour that activity. Also if the complex has it in their leases that they can't have parties then they can enforce that also. It does not take long for the information to travel amongst the students. The community policing officers have been working with the security patrols on a continuous basis to improve on enforcement. More discussion continued on security. The security firm will regularly meet with the Township at a frequency determined by the Township to adjust patrol frequency, duration and services as directed by the Township. Knoper stated that the commission has a choice with trusting the township to take away the gray areas with the security firm or start out with having a full time person there 24 hours a day Knoper doesn't know if that is that much more effective than what is happening now. Sinnott stated that he would be satisfied with the addition of someone being staffed in the community center, during the day and being able to take care of security measures with whatever needs to be taken care of during the day. Somebody being there in the evening hours and into the night, also on the weekends patrolling the site on an hourly basis; that would be something that could be negotiated down. Zickus still would like to see a set of rules that have to be followed because with no rules there is nothing to enforce. Knoper stated that usually all of that information is in a lease agreement.

Rozema has other concerns she feels have not been addressed, they have not touched on sign detail, nobody knows what they are going to look like, see lighting detail, and lighting on the carports. The wood benches that are behind the community building have not been discussed. Rozema just does not want to miss these things. Vos stated that he submitted the architectural drawings in December and nothing was mentioned at the January meeting, we did not make the February meeting which is why we're at the special meeting tonight and we've done everything that the commission has asked. Vos stated that he has no problem with security and noise patrol but remember there is no ordinance for security and noise. He has responded to the ordinance which gives specific things that have to be responded to and he has done that. Vos stated that he has done everything that Mr. Johnson has asked for. Underhill believes that the architectural items had been taken care of, as far as the lighting, and benches he believed all of those things were taken care of. The detail was and is on the plan and they do meet the ordinance. Smit asked if the changes in the siding and such should be added to the conditions. Underhill stated that it would be a good idea to do so. Mr. Johnson has put his conditions in alphabetical order so they can be referred back to easily.

Schut believes the language that Mr. Vos came up with would be fine and satisfy his concerns. Smit asked, with the understanding that it could be backed down, with the wording as follows; condition d. The applicant shall provide for and retain at all times a licensed security firm to patrol the site on a regular basis and shall provide the contact information of the firm hired to the Township for approval. The security firm shall regularly meet with the Township at a frequency regulated by the Township to adjust patrol frequency duration and services as directed by the Township and up to 24 hours a day, 7 days a week. Underhill suggested that this language replace the current condition d. language. Sinnott is still not sold; he does not like the fact of dumping it onto staff. Sinnott does not mind having staff be able to adjust it but he doesn't know what staff is going to decide, he doesn't know if he knows enough about the whole issue. Knoper believes by saying staff it means the community policing officers, they know what's needed out there and spend most of their time out there. Knoper is very confident with the officers in charge that they will be able to determine if more is needed or less and how to handle it. That's why Knoper feels comfortable with staff making those decisions. Sinnott stated that the language did not include anything to do with lease restrictions. Smit stated that he's not sure that's a part of what the commission does. Knoper stated that the landlords have pretty good leases that control the issues that have been talked about. More discussion took place on security issues and enforcement.

Underhill wonders if the planning commission could add a directive in there to the community enforcing agent that this is a development of concern and we have put this in there to provide for you to ensure safety for the surrounding communities. d. reads as follows:

d. For public safety and welfare and community well being the applicant shall provide for and retain at all times a licensed security firm to patrol the site on a regular basis and shall provide the contact information of the firm hired to the Township for approval. The security firm shall regularly meet with the Township at a frequency regulated by the Township to adjust patrol frequency duration and services as directed by the Township and up to 24 hours a day, 7 days a week.

Knoper stated that now whoever looks at the language knows the reason was provided. Knoper asked if item g. had to be left in there because a letter of approval was submitted from the fire chief. Underhill said yes.

Sinnott has a question about as far as the site goes does the security personals jurisdiction end at the property line? Knoper stated that the jurisdiction of the security patrol is only for the PUD property. Anything off of the property would be controlled by the policy department.

Underhill stated that if there were anymore concerns. Then there are three things that can happen, make a motion to table and further discuss, make a motion to approve with the conditions and other items in Mr. Johnsons report or make a motion to deny and list the reasons why.

Motion made by Smit to approve to the township board the Allsward Terrace Final PUD Development Plan #7039 with list conditions a - i with changes to d,c and i. Changes also made to the development that 100% of the porch side of the buildings will be constructed with hardy board material, the community building constructed with hardy board material up to the eave and also the lower drawing/photograph as to what the carports will look like with a hip roof with vinyl material on the sides. The revision to condition c would be to include that the Ottawa County Road Commission and drain commission be added for approval documentation. Condition d. shall read as follows:

d. For public safety and welfare and community well being the applicant shall provide for and retain at all times a licensed security firm to patrol the site on a regular basis and shall provide the contact information of the firm hired to the Township for approval. The security firm shall regularly meet with the Township at a frequency regulated by the Township to adjust patrol frequency duration and services as directed by the Township and up to 24 hours a day, 7 days a week.

There would be a condition i. added to.

i. All necessary approvals and permits be provided to the township for files.

Also added would be #2 of the staff report that the planning commission made a determination that the reduction is a minor amendment and recommend approval to the Board for the 1888 sq. ft. buildings.

Knoper seconded the motion. Roll call vote, Rozema - no, Zickus - no, Smit - yes, Underhill - no, Schut - yes, Knoper - yes, Sinnott -no. Motion denied 4-3.

Being that there are not any other items on the agenda is there any more discussion. Smit wondered what is the next step was. Underhill stated that at this point someone would need to make a motion to either table for more discussion at a later date or deny and list the reasons for the denial. Or discuss the reason of those that voted against the motion.

Is there any discussion by the four that would not support the motion? Rozema already spoke to what her issues were, that being the lighting, benches and she believes that it is outside of the University Village that is Master Planned. Zickus does not have any problem with the appearance or the design of the development; unfortunately she doesn't know what the mechanism is for the enforcement for the security and she doesn't feel comfortable passing the plan. Sinnott agrees with Rozema and he does not believe that the security has been addressed as it should or to the extent that he would like to see it. Underhill stated that he feels the same, he understands, but does not feel comfortable about the location of the development. Vos stated that the zoning was passed before and at this point it is only the details that are supposed to be decided and tweaked. Underhill stated to Vos that that was correct but this is not the same planning commission as before and this planning commission makes its own decisions. He can't give you any other response than that.

Underhill does not believe that the security issue is completely dealt with and at this point he doesn't think the security issue matters that much because it's just not the proper place for the development in general. So he guesses if that's the case then the next question is where does our planning commission discussion go from here. Knoper stated that the commission has to recommend approval, table or denial to the board.

Rozema made a motion to the township board to recommend denial of this project based on the issue of being on the outside of the University Village housing area in the master plan. No support for this was heard motion.

Again the commission has to recommend approval, table or denial to the board

Schut asked that if this project fails to be passed then this property will revert back to what was previously approved, correct. Underhill stated, correct. Which is Preliminary approval.

Zickus made a motion to table Allsward Terrace pending more information providing security, concern therein the need for a lease agreement which would show the public safety and the rules and regulations for the development and also further explanation and discussion on the master plan limits regarding university village. Seconded by Sinnott. Roll call vote, Rozema - yes, Zickus - yes, Smit - no, Underhill - no, Schut - no, Knoper - no, Sinnott -no. Motion denied 4-3.

Schut asked if possibly the commission was trying to undo what was done before us years ago, even though the zoning has been approved before us and because we don't quite agree with it. We asked the applicant to address all those concerns with security and safety. Vos has even undone the thing that we have asked him to do over again. Schut feels pretty conflicted between with what we have required of the applicant to get to this point and then to pull it out at this point. Schut understands the concerns of the community but states that he cannot undo what has been done in the past, that's where he struggles with this decision.

Zickus, being a new commissioner is trying to look at the situation as it is now and is just trying to make the best decisions as she moves forward. Zickus is relying on the rest of the commission as to what was approved previously. But when she looks at the Master Plan and looks at where the lines are for University Village, she has a difficult time agrees with the decision in the past. Schut agrees with her but the commission does have an approved plan in front of them and the applicant is asking to have approval of a plan that has improved from the original plan before. Underhill also agrees, the development is better than the original. Underhill just believes a wrong interpretation was made in the past and while it is inconvenient to be stuck with the wrong decision and we struggle whether we continue to allow it to be wrong or we try to make it right, he cannot in his good conscious allow some past mistake to continue. The fuzzy lines have been used as a convenience and in more cases for those other than the constituents of the township. Vos stated that the zoning is PUD and what you are saying is that the property cannot be used as it is zoned, so we would have to ask for a rezoning to do what we wanted on this property, that's what Vos said he is hearing. Vos stated we got the zoning at the Preliminary and now what you are saying it's because of the fuzzy lines that's not where Allsward should go, even though we got the zoning for it previously. Vos stated that what you are telling me is that the ordinance does not mean much but your fuzzy lines do. Underhill stated that actually what is being said is that we do not agree with what the fuzzy lines are trying to tell us or what people are trying to use the fuzzy lines for. Vos stated that he is sure that Underhill knows the difference between zoning and a future land use map. A future land use map is a dream for the future, it's a dream, and it's a goal. Zoning is cast in stone. Underhill said zoning is cast in stone. Vos continued that three years ago when the Preliminary was passed so was the zoning.

Knoper stated that the commission should have a recommendation to the board after tonight's meeting. Smit said that to him the applicant has come forward with everything that we have asked and has been to the meetings the last few months. This is just the Final everything else has already been approved for this project.

Underhill wonders if this does not pass does the development end up back at a Preliminary for Allsward Terrace or does it end up back at the Preliminary for Springfield's of Allendale. Knoper stated that all that is being done is approving the Final PUD Development Plan, it has already been rezoned. If the plan does not pass it would be a PUD zoning without a Final Site Plan.

Schut made a Motion to recommend Allsward Terrace to the township board for Final PUD Site Plan approval with the following conditions: Site Plan #7039 with changes to d,c and i. Changes also made to the development that 100% of the porch side of the buildings will be constructed with hardy board material, the community building constructed with hardy board material up to the eave and also the lower drawing/photograph as to what the carports will look like with a hip roof with vinyl material on the sides. The revision to condition c would be to include that the Ottawa County Road Commission and drain commission be added for approval documentation. Condition d. shall read as follows:

d. For public safety and welfare and community well being the applicant shall provide for and retain at all times a licensed security firm to patrol the site on a regular basis and shall provide the contact information of the firm hired to the Township for approval. The security firm shall regularly meet with the Township at a frequency regulated by the Township to adjust patrol frequency duration and services as directed by the Township and up to 24 hours a day, 7 days a week.

There would be a condition i. added to.

i. All necessary approvals and permits be provided to the township for files.

Also added would be #2 of the staff report that the planning commission made a determination that the reduction is a minor amendment and recommend approval to the Board for the 1888 sq. ft. buildings.

Smit seconded the motion. Roll call vote, Rozema - no, Zickus - no, Smit - yes, Underhill - no, Schut - yes, Knoper - yes, Sinnott - no. Motion denied 4-3. Motion failed.

Smit stated that the commission has to do something, there is no support of denial and he believes that it should not be tabled at this point. The developer has done everything that has been asked of them, what else is there, they have the zoning they have the

preliminary approval. We've asked them to do so much and they have done it, let the elected officials handle the decision from here; they have complied with what we needed. Sinnott says its security for him. Underhill asked if the security issues could be satisfied would that change your mind as to whether to move this plan forward or not. Again it is security at this point. Rozema is just stuck; she understands that it was approved prior to most of us being on the commission. Again it is the fact that it is outside the University Village area and the details that every other applicant that has come before the commission. Zickus has nothing more to add to what she has already said. Underhill does not have anything more to say than what he has already said. It's a great development but it's on the wrong side of the street.

Vos stated that he has done everything that has been asked of him. He has the zoning. All of these delays are costing people their livelihoods. What else needs to be done? Everything has been in accordance with the zoning ordinance rules, all of them have been complied with, and he is very upset with this. You are supposed to be upholding the rules.

Zickus agrees that it is zoned that way but the rest of the commission that is new, that's why she voted to table it, would have time to be involved and participate in that final decision. Vos understands that, he is just asking for "due process".

Knoper asked Sinnott what he has to see for him to agree with the security. Sinnott would like to see security there full time. We are putting a development where some of us feel like it not where it belongs and he feels that they need to have security that will be in charge of it. If that means full time security, then that means full time security.

Smit made a Motion to recommend Allsward Terrace to the township board for Final PUD Site Plan approval with the following conditions: Site Plan #7039 with changes to d,c and i. Changes also made to the development that 100% of the porch side of the buildings will be constructed with hardy board material, the community building constructed with hardy board material up to the eave and also the lower drawing/photograph as to what the carports will look like with a hip roof with vinyl material on the sides. The revision to condition c would be to include that the Ottawa County Road Commission and drain commission be added for approval documentation. Condition d. shall read as follows:

d. For public safety and welfare and community well being the applicant shall provide for and retain at all times a licensed security firm to patrol the site on a full time basis and shall provide the contact information of the firm hired to the Township for approval. The security firm shall regularly meet with the Township at a frequency determined by the Township to adjust patrol frequency duration and services as directed by the Township.

There would be a condition i. added to.

i. All necessary approvals and permits be provided to the township for files.

Also added would be #2 of the staff report that the planning commission made a determination that the reduction is a minor amendment and recommend approval to the Board for the 1888 sq. ft. buildings.

Seconded by Schut. Roll call vote, Rozema - no, Zickus - no, Smit - yes, Underhill - no, Schut - yes, Knoper - yes, Sinnott - yes. Motion carries 4-3. Motion passed.

4. New Business: (None)

5. Old Business: (None)

6. Township Board Report. (Ken)

7. Public concerns and comments concerning items not on the agenda.

A gentleman wanted the names of the elected officials so he could contact them. Underhill stated that all the names and contact information is on the township website. It does not seem fair to take three votes to get what you want. It does not make any sense and he understands the two people pushing for it were on the board before and the board was kind of corrupt back then and feels they fall into that category.

8. Meeting adjourned.