

ALLENDALE TOWNSHIP  
PLANNING COMMISSION  
June 17, 2009

Members Present: Guzicki, TerHorst, Knoper, Smit, Rozema, Obetts, Underhill

Members Absent: None

Staff Present: Brummel

1. Meeting called to order at 7:30PM.
2. Approve the May 18, 2009 minutes.  
Approve the May 27, 2009 minutes.  
Motion made to approve both sets of minutes by TerHorst. Support by Guzicki.  
Motion carried 7-0.
3. Public Hearings:

A zoning map amendment request to expand the University Park PUD Zone District, to amend the zoning text of the University Park PUD Ordinance 2001-6 and to amend the University Park Preliminary PUD Development Plan.

The applicant Campus Crest Development LLC has withdrawn their request for a Final PUD Development Plan approval at this time.

A. Chair Obetts opens the Public Hearing

Steve Witte from Nederveld Inc, representing Campus Crest Development LLC. is here seeking an amendment to the University Park PUD Zone District, an amendment to the University Park PUD Ordinance and the adoption of a new Preliminary PUD Development Plan. The proposed PUD includes the Sleep Inn Hotel, the vacant land to north and west of the hotel, a small piece of land owned by MDOT at the intersection of Lake Michigan Drive and 48<sup>th</sup> Avenue, the future Alaskan Pipeline Restaurant, and the Mainstreet Pub Restaurant. The proposed PUD land area totals 30.6 acres. Mr. Witte prepared a spreadsheet showing the minimum green open space and maximum building area coverage.

Allendale Township resident Dwayne Thomas believes that the Void Analysis prepared by the 48 West Development Group shows that we don't need any more student housing. He asks, why would the planning commission re-zone industrial land to student housing residential, if we already have residential land and farm land that could still be developed for student

housing. Where will the student housing stop if we allow the re-zoning now?

Rinada Easwood representing the Hotel, Sleep Inn Suites, questions why if properties and businesses already in the PUD zone district and around the property up for rezoning support this request why do the businesses farther away have a problem with it?

Jillian Wood lives in the Allendale Meadows Park which adjoins this property and doesn't want a student housing complex in her backyard. I went to Grand Valley and there are other areas for student housing, and I agree to what the other gentleman said, we don't have a need for more student housing right now. I'm just wondering if there is a way to screen it off, so that I don't see a big housing complex in my backyard. Witte states that the southern 10 properties will be affected, there is a mature tree line that will not be touched, and there will be covered parking and an ornamental fence that will create a buffer.

Karen Beerhos, a manager at the Meadow's Crossing Student Housing Development states that we were 100% occupied the 1<sup>st</sup> year and 99% the 2<sup>nd</sup> year. We are struggling now and are thinking of lowering our prices, and don't know what will happen if the market is even more saturated.

Jean Constantine, representing the 48 West Student Housing Development went over some things from the past year, and all they want is to play on a level playing field. She believes the Master Plan shows that the student housing belongs in the University Village. 48 West believes they were told that they were approaching the edge, but they are right in the middle of the bubble. Even though the void-analysis is not a requirement, it is an appropriate thing to do to find out the numbers. She believes this request shouldn't be allowed to use contiguous and existing commercial properties. 48 West added a new commercial retail area and doesn't believe this request is playing on a level playing field. With the timing of the proposed ordinance amendment to table 12.04.G., that is in front of the Board right now, it seems as though it is being changed for one development.

Randall Kraker, counsel of 48 West, believes that Campus Crest exceeds the residential density, they seek to build 25% more beds than the current ordinance, 12.04 G, allows. It is clear that the density number is in violation, and the Township Board has not adopted the new proposed ordinance amending 12.04.G. therefore the new amendment is not currently in effect. You are obligated to use the laws that exist now, not as what you hope will be law. The Zoning Ordinance is specific as to what it requires, and you have to apply the current law- you can't vote to allow the request until the Township Board votes to accept the changes to the ordinance.

Rocco Depirro, the owner of the proposed Alaskan Pipeline Restaurant, which is part of this PUD zone district and a GVSU student, states that there

are many students that are moving downtown Grand Rapids because of the high prices of the student housing in Allendale. With more competition, the prices will hopefully come down and keep the students in the Allendale area and spending their money here. Zoning requirements are not set in stone, and things may have to change for the town to continue to grow.

Karen Beerhos states that 4 of 7 stores in their commercial area are going out of business because the students are gone for the whole summer and there aren't enough people there to keep the businesses open.

Rocco DePirro states that the stores going out of business is because of competition, and that happens everywhere.

Steve Witte states that the difference between us and the others is that University Park has the commercial already and Campus Crest is adding in the residential to the mixed use development. With the number of beds and people occupying the site, we are consistent with other housing complexes, and even below the others. With making a recommendation tonight, the Planning Commission has the right to pass this on to the Board.

Brummel re-submitted the May 7 Staff Report, with no changes.

Brummel states there is a huge difference between traditional multiple family housing and student multiple housing. The township adopted an overlay zone district by Ordinance 1993-1 which creates occupancy regulations throughout the township. The ordinance allows in residential R-1 and R-2 Districts to have 2 unrelated persons maximum, R-3 and R-4 Districts are allowed 3 un-related persons maximum. The applicant is requesting to be allowed 3 unrelated persons per unit, which is consistent with the regulations within the overlay district for properties zoned for multiple family uses in R-3 Districts. True density is not determined only by number of units the number of unrelated occupants must be considered as well. The overlay zone district recognizes both of these uses. We protect the rights of all the different types of families and people that reside together in Allendale in a reasonable way. The Master Plan suggests an annual void analysis. That information is very helpful when adopting a new Master Plan and Future Land Use Plan but suggesting that this request is an appropriate land use if a void analysis shows need and an incorrect land use if the void analysis shows no need is contrary to appropriate land use decision making. The planning commission has never recommended denial or approval of similar requests based on a void analysis.

Chair Obetts closes the Public Hearing.

Guzicki wonders what the density per net acre is, do we need to include the number of beds at the hotel, since they are beds for lease. Witte states that the density is 14.6 units per acre when using only the residential used land area within this PUD but if we use the total PUD, it is 6.25 units per acre.

Brummel states that he crafted a sheet with the Residential Only PUD District Densities. To the best of his knowledge the Township has never approved residential only PUD's with densities that exceeded those densities found in table 12.04.G. In mixed use PUD's when you remove the land area under the commercial component and exclude the land area under the commercial with residential over the densities all exceed 9.9. How do you define the net residential land area portion of a mixed use PUD and how do you use the table in 12.04.G. to determine the required land area for the commercial components in a mixed use PUD? The point is to show that we have never used the table in 12.04.G. for mixed use PUD's, only for residential PUD's. We have done that because we believe the language only applies to the residential PUD's, not to the mixed use PUD's.

Brummel asks Randy or Jean to explain how they came up with their net residential area? Jean Constantine replies that they use a gross basis, and took out the 20 acres under mitigation or no build. We are way below the 9.9 maximum.

Rinada Easwood states that Sleep Inn has 59 sleeping rooms, with 13 suites with king beds and 26 rooms with 2 queens beds each which makes a total of 86 beds. Witte states that when you add in the hotel beds, you get an overall density of 6.27/acre and using the whole, its 8.23/acre.

Brummel believes the Commission should address Guzicki's concern if the hotel is considered a residential area. There is vacant land in the PUD and we need to figure out if the table in 12.04.G. applies to mixed use PUD's, and if so, to determine the land area densities in this proposal and for whatever may go into the vacant land in this PUD in the future.

Underhill states that the Future Land Use Plan has been adopted with flexibility. The commercial uses are existing for Campus Crest, and there was no contiguous property with commercial use for the other student housing to the south to use.

Brummel states that Campus West isn't required its own commercial, and there was never a regulation that they had to have commercial built.

Obetts states that the comments from the public have been covered; one clarification to be made is if Mr. Brummel was in on the conversation with the township attorney. Brummel states that he was. He also clarified that the proposed amendments must be finally adopted by the Township Board, if they don't amend the zoning map as requested and amend Ordinance 2001-6 then the Board will not be able pass the Campus Crest property request either. The ordinance amending the table in 12.04.G. is not in front of the Board because of Campus Crest. The Commission has struggled over the wording in table 12.04.G. long before Campus Crest and it needs to be

cleared up. We are only making a recommendation to the Board; it is up to the Board to accept it or not.

Underhill states that this is just poor timing with the language change in the ordinance, but it is in accordance with other properties that were passed before. For procedural reasons, we can't change the information that is on the application, we need to add a contingency that the signage shown on page number LP93 needs to be cleared up before the Final PUD.

Brummel also believes that the carports as shown on the Campus Crest Preliminary PUD Development Plan should reflect exterior materials consistent with previous PUD's that included carports and wishes to address the building exteriors and the carports on the Final PUD plan review.

Motion made to approve the amendment to the zoning map and expand the University Park PUD Zone District and to approve the amendment to Zoning Ordinance 2001-6 made by Guzicki. Support by TerHorst. Motion carried 6-1. (see motion attached)

Motion made to approve the Amended University Park Preliminary PUD Development Plan by Smit. Support by Guzicki. Motion carried 6-1. (see motion attached)

4. Site Plan review: (None)

5. New Business:

6. Old Business:

A. Special Land Use request from Chun Ming Wong for pool hall, tabled.

Motion made by TerHorst to take request off the table. Support by Guzicki. Motion carried 7-0.

Obetts states that Brummel and Chun together produced the information that the planning commission requested. A summary of the discussion and agreed upon conditions was produced.

Brummel states that this is the information requested by the Commission and there is a Site Plan attached.

Chun explained that most of the parking will be to the south, and it will be lit. There will be nothing changed on the exterior of the building, and the dumpster enclosure will be finished. If this is passed today, the earlier Site Plan will be completed before anything can be done with the new Special Use Permit.

The commission needs to make sure this meets the standards of 20.06. They become standards of zoning and they are enforceable if they are not met.

Obetts reads the language in Article 20.06 for the Planning Commission.

Underhill wonders if Chun has read through this information and if he is comfortable with numbers 1-10 as the way he would operate this business. Chun states that he is in agreement with the conditions.

Obetts states that Peppino's ends their dancing at 1:30, and with 2 people for the 75 maximum, who is watching the parking lot?

Chun states that if they do meet the max, they will add more staff, and more staff to watch the parking lot if they need be. He will not allow more customers into the building past 1:30 a.m. and close the Pool Hall at 2 a.m.

Brummel wonders if they add in 20 occupants per 1 staff member into the conditions, would that make the conditions more acceptable? It may be hard to enforce it, but if there is a problem, the conditions can be used to police it.

Knoper agrees that 20 customers at any one point in the day in the building to 1 staff member as a good number, and if there are 21 occupants, he needs another staff member. I would also like to reserve the right to re-visit this just like we used with Warped Wings.

Chun states that the customers are not allowed to bring food in from outside, but they are allowed to order out from his Chinese Restaurant.

Brummel wonders why he wouldn't just use the west end of the building with the Chinese Restaurant that he has updated, and just complete the other things in the prior Site Plan. It seems that there would be less at stake.

Chun states that there is not enough room in that space.

Knoper states that if people complain that the music is too loud, we can either take the Special Use away, or put restrictions on the types of music.

Brummel states that it would be difficult to take the Special Use away if he's complying with the restrictions.

Guzicki wonders how he will separate the smoking from non-smoking.

Chun states that he will have smoking only in a small area against the wall.

Obetts wonders if it meets the standards of Article 20.06? Underhill states that with the standards given by Brummel and the 2 items added on as Warped Wings has, we will take action if there are complaints and he will have to come back in front of the Planning Commission.

Brummel states that if the occupancy of the pool hall is contingent upon the completion of the Site Plan of the current restaurant and dumpster enclosure. We can table this and I can put a report together with these 10 items and the

added 2 items to have a complete list of conditions to present to the commission.

Motion made by Guzicki for Phil Brummel to prepare language of Special Use conditions to be at the next meeting. Support by Knoper. Motion carried 6-1.

7. Township Board Report. (Ken)- Nothing to report
8. Public concerns and comments concerning items not on the agenda.

Randall Kraker states that his experiences with the Planning Commission and Zoning Board of Appeals, staff comments are received after the public hearing is closed. He believes that it would be better for citizen input if they know what the staff has to say about the topic before the public comments. Densities in R-3 or R-4 Zone Districts don't specifically apply to the mixed use PUD, but in this case it would be very easy to apply those to the 13.5 acre lot.

Glen Turek from Meadow's Crossing wonders if there has been a void analysis done by this commission. Is this the right time to add more student housing? The Township needs to be wise as to the fact that we may be caught in the same tail-spin because of the free enterprise system that is happening in the other areas around. Brummel states that they have not done a formal void analysis. If Campus Crest thinks they can make money on this venture, it is up to them. The Township stays clear of opinions on whether the development is a good investment or not. It is the planning commission's responsibility to test each request to the Master Plan, Future Land Use Plan and the Township Zoning Ordinances and to allow for a free enterprise system. Obetts states that an informal void analysis of all of the rental properties in Allendale at that time was done when the issue first came up. We had discussion over that void analysis at that time.

Motion made to adjourn made by Guzicki. Support by Smit. Motion carried 7-0.

9. Meeting adjourned at 9:29 PM.

The next meeting is on Wednesday, June 24, 2009 at 7:30 PM.