

CITY OF HUDSONVILLE

Zoning Board of Appeals

January 17, 2017

(Approved September 19, 2017)

**3380 Chicago Drive – Terra Square Project – Dimensional Variances
2966 Highland Drive – Hutt Properties LTD – Dimensional Variance**

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

Present: VanDenBerg, Lubbers, Herweyer, Vander Maas, Leerar, Strikwerda and Schut

Absent: None

1. A motion was made by Leerar, with support by Herweyer, to approve the minutes of the November 15, 2016 Zoning Board of Appeals meeting.

Yeas 5, Nays 0

NEW BUSINESS

2. **3380 Chicago Drive – Terra Square Project – Dimensional Variances**

Chairman VanDenBerg opened the public hearing.

David Wilkins with GMB Architecture & Engineering, 85 East Eight Street Suite 200, Holland, MI 49423, on behalf of the City of Hudsonville reviewed the dimensional variance requests for a roof sign and wall related to the Terra Square project. The first two requests are grouped as ‘A’ and deal with the roof sign along the north wall. The next 3 requests are grouped as ‘B’ and deal with the wall that separates the courtyard from the remaining parking lot area in the ‘U’ created by the surrounding buildings.

Here are the proposed variances:

	<u>3380 CHICAGO DRIVE</u>	EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
A.	ROOF SIGN HEIGHT –SECTION 13.11 G. 1. E	24”	30”	6”
A.	ROOF SIGN SIZE –SECTION 13.11 G. 1. E, TABLE 13.1	30 s.f.	48.33 s.f.	18.33 s.f.
B.	WASTE RECEPTACLE WALL HEIGHT –SECTION 2.48 D.	6’	8’	2’
B.	WALL HEIGHT –SECTION 9.13 J., TABLE 9.6	6’4”	8’	1’-8”
B.	WALL MATERIAL –SECTION 9.13 C.3.	Masonry or Stone	Wood	Wood

Request A: Roof Signs (Request A was reviewed after Request B)

The following discussion took place:

- With this being a destination building it is important for people to be able to see the sign from both sides of Chicago Drive. Having the sign located higher on the building makes it easier for people to find the businesses.
- How much bigger could the sign be if it was down lower on the building? On the wall it could be 136 s.f. which is 15% of the front wall area.
- Is the sign mounted to the wall? No, it will sit on top of the roof at the edge of the wall. You would be able to see it over McConomy Photography's building.
- Will this be internally lit? Yes, LED lighting.
- Are these letters individual or in a cabinet? Individual. They are meant to be more of the iconic market signage to draw the public to this destination.
- Anything smaller you might miss the sign. It is proportionate to the elevation of this side of the building.

Are there unique circumstances or conditions that apply to your property? Yes

- The angle of Chicago Drive significantly reduces visibility for eastbound traffic.
- This is the only building that is not parallel to Chicago Drive in this location and although there are a few other buildings with this layout, it is not the standard along Chicago Drive.
- There is extra distance between Chicago Drive and the building due to the Service Drive.
- A primary purpose is the Farmers Market. Their identification is often a roof sign.

Does the request of this variance go beyond the possibility of increased financial return for you, the applicant? Yes

- The primary purpose is to enable people to locate a building.
- It will have regional attraction from customers looking for this location for a lot of different reasons, including the farmers market, event center, office space that can be rented, and a restaurant.

Has the immediate practical difficulty been caused by anything other than what the applicant has done? Yes

- It is of a size that can be comfortably seen from Chicago Drive, which has a 45 mph speed limit, is separated from this property by the Service Drive, and the street is on an angle.
- The proposed sign is much smaller than if the sign was located on the wall.

Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy? Yes

- A roof sign is permitted and the proposed sign looks better.

- The combined factors of building angle compared to the street, the additional spacing from Chicago Drive due to the Service Drive, the building size in relation to roof sign size, and not being able to practically have sufficient wall signage on the west wall all lead to it being better to allow for the requested sign to enable a basic level of identification.

Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible. Yes

- This sign is smaller than the signage that was historically on the building.
- A wall sign is permitted to be up to 136 s.f. on the north wall but it would have almost no visibility from the west.
- Additional signage on the west wall. The west wall is blocked by the adjacent building (McConomy Photography) cutting off its visibility.
- A roof sign at the permitted size is too small for the building scale.
- It has been kept down to a size that is visible to motorists but not oversized.
- The requested size is recommended by the architect that designed the building upgrades.

A motion was made by Leerar, with support by Vander Maas, to approve a 30” tall roof sign where 24” is permitted for a 6” dimensional variance in accordance with Section 13.11 G. 1. e of the Downtown Zoning Ordinance, and a 48.33 s.f. roof sign where 30 s.f. is permitted for an 18.33 s.f. dimensional variance in accordance with Section 13.11 G. 1. E, Table 13.1 of the Downtown Zoning Ordinance. This approval is based on the finding that the 5 questions can be answered affirmatively.

Yeas 5, Nays 0

Request B: Screen Wall Height and Material (Request B was reviewed before Request A)

The following discussion took place:

- This is a screen wall and not a fence by definition of the ordinance. This is an extension of the indoor space. This is meant to be an interior space without a roof.
- Does the dumpster enclosure have 3 sides and is open to Chicago Drive? The dumpster enclosure will match the wood screen wall to the left and right of it with a wood gate.
- The doors to access the courtyard are for employees and not the general public.
- There will be windows on the building so you can see into the courtyard from inside of the building as well as doors to access this area.
- This will be the dumpster that services the entire building. The trash will be picked up by the city’s weekly routine trash schedule.
- Will the farmer’s market vendors be using this dumpster as well? No.
- On the backside of this wall is an outdoor fireplace with a bench for seating.
- Wood is a good material for the courtyard wall to soften the impact vs masonry around this space.
- With this being a corner lot, what defines the front? School Avenue is the front because it has the primary access. Chicago Drive is a service entrance.

- Are there many properties that have an 8' wall? The wall at the Pinnacle Center is about 7' tall. This is a unique spot because the space between 2 buildings that have walls that are at least 14' tall and it is tucked back as well. The Pinnacle Center wall sticks out from the building but is buffered with landscaping.
- What is wrong with the existing regulation size of 6'4"? The intent is to create a room for this space and feel the height is important. With the other 3 walls being 14' tall, 8' is a good height. This is an important element for the design to create this enclosure. The height will help buffer the noise and light from Chicago Drive and trains, and odor from the dumpster. It creates a nice space to be in.
- How is allowing the 8' high fence different from the denied request from DJ's Pizza? Their request was for a front yard fence. The Master Plan and Zoning intent is for that to be visible, for it to be part of the public space. This by definition of the ordinance is a screen wall, which is designed to separate a private space from the public realm. It is a different feature that has a different set of characteristics and purposes.
- Will there be any seating in this area? Yes, it is an extension of the indoor space, which is used for events. This is similar to what you would see in other downtowns where the front has a 3' high fence and behind the building there is a taller barrier for outdoor seating since it is in an area where you do not want to interact with the public.
- What is the elevation difference of the court yard area vs Chicago Drive? It is pretty level.

5534 Pleasant Avenue – Rhyse Altman - It looks great. He indicated it was worth noting what the front was and what the back of the building is. He would argue the front is Chicago Drive and School Avenue is the side. The master plan has donut buildings around the lot with the center being used for service. It should be more open to Chicago Drive. As far as the 6' 4" high fence, Rhyse indicated in his opinion the wall was purely aesthetic and could argue that being in that space and being walled off by that high of walls would not be aesthetically pleasing versus something a little more open to Chicago Drive.

- Was an acoustic study done for the project? No.

Chairman VanDenBerg closed the public hearing.

Are there unique circumstances or conditions that apply to your property? Yes

- The odd shape of the property.
- The wall location is in a space shaped like a 'U' between 3 walls that are at least 14' tall.
- The noise from Chicago Drive and the railway reverberate into this space surrounded by 3 walls. A taller wall buffers some of the excessive noise, odor and light.
- The waste receptacle is being located adjacent to the courtyard.
- The wall material complements the masonry walls that surround this area and is the recommended material from the designing and consulting architects.
- Harvey Street is helping to turn the south side into the front.

Does the request of this variance go beyond the possibility of increased financial return for you, the applicant? Yes

- The primary purpose is to create a space that functions properly by reducing noise, keeping odors out of a public space, and to have a complementary appearance.

Has the immediate practical difficulty been caused by anything other than what the applicant has done? Yes

- This is an existing building that has created challenges.
- The property shape causes difficulty.
- The courtyard is an additional element which enhances a mixed use space that is intended for a lot of public activity.

Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy? Yes

- The Chicago Drive side is theoretically the back yard.
- This is more like a dead-end alley.
- The intent of the wall as stated in the Downtown Zoning Ordinance is to “define spaces or screen incompatible activities”.

Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible. Yes

- Was an acoustics study done? No.
- Allowing a wood wall such as cedar, at 6’4” on both walls would soften this area.
- The permitted masonry materials do not fit in well with the existing situation accordance to the designing and consulting architects since this is in a harsh environment and is already surrounded by brick.

A motion was made by Leerar, with support by Lubbers, to approve waste receptacle wall height of 6’4” where 6’ is the maximum permitted for a dimensional variance of 4” in accordance with Section 2.48 D. of the Downtown Zoning Ordinance, maintain a wall height of 6’4” which is the maximum permitted in accordance with Section 9.13 J., Table 9.6 of the Downtown Zoning Ordinance, and allow wood wall material where masonry is required in accordance with Section 9.13 C.3 of the Downtown Zoning Ordinance. This approval is based on the finding that the 5 questions can be answered affirmatively.

Yeas 4, Nays 1 (Vander Maas)

3. 2966 Highland Drive – Hutt Properties LTD – Dimensional Variance

Chairman VanDenBerg opened the public hearing.

Josh Cronan, project manager from ARCO Design/Build, 380 Interstate North Parkway SE, Suite 210, Atlanta, GA 30339, representing Hutt Trucking reviewed the variance request for a portion of their proposed building addition to be 50’ tall where 35’ is the maximum height permitted for a 15’ dimensional variance. They are going before the Planning Commission for a Site Plan Amendment to add an 81,405 s.f. building. It is replacing a building that needed to be removed a couple of years ago due to a partial roof collapse. There is currently about 78,000 s.f. of building. This addition will be the connecting piece. The existing building is about 30’ tall.

They are only constructing the building at 50’ where it needs to be that tall. About 30 - 35’ of the front of the addition will be about 28’ tall for the loading dock area. 20’ of the east portion of the addition will be 30’ tall to create an area for additional snow load.

Here is the requested variance:

<u>3566 HIGHLAND DRIVE</u>	EXISTING REGULATION	PROPOSED REGULATION	VARIANCE REQUIRED
BUILDING HEIGHT – ZONING ORDINANCE SECTION 5-20 F. 3	35’	50’	15’

The staff report was presented.

The following discussion took place:

- Why do you want it to be 50’ tall? It’s the only way the building works for high pile storage. The other option would be to build a bigger building, but there is not enough room to do that because of the existing elements at this location. That would create a much less efficient building. So going taller was the best option.
- What type of cold storage is this? Deep freeze storage to -20°F.
- How much bigger would this building have to be if the height stayed at 35’? To make up that amount of pallet positions without the height variance you’re looking at about 4 high and with the variance 7 high, it’s almost twice the size. That would not work at this location. This is a better plan than building somewhere else.

Chairman VanDenBerg closed the public hearing.

Are there unique circumstances or conditions that apply to your property? Yes

- This addition is replacing the portion of a building that collapsed. It is sandwiched between two remaining portions of the building limiting expansion capabilities.
- The addition is in the center of the lot and is buffered by building to the west and east. The building to the west extends about 70’ in front of this addition and helps buffer the portion of the building that is proposed to be taller.

- It backs onto and has the same grade as the highway where there is limited impact. There is a 75' building setback from the highway. The building is about 160' from the off ramp and 180' from the freeway traffic resulting in minimal impact for the freeway traffic.
- This lot is narrow.

Does the request of this variance go beyond the possibility of increased financial return for you, the applicant? Yes

- There is financial return but this request goes beyond just financial return due to environmental benefits from a more efficient design for the unique use of deep freeze storage.
- They are using the best option on this site.

Has the immediate practical difficulty been caused by anything other than what the applicant has done? Yes

- The collapse of the middle portion of the building was due to natural events limiting where the addition can go.
- The unique use of deep freeze storage causes greater benefit from building higher.

Will granting this variance uphold the spirit of the ordinance, secure public safety, and uphold substantial justice to property owners in the district? In turn, will denying this variance prevent you, the applicant, substantial rights and privileges that others in the same zoning district are able to enjoy? Yes

- Manufacturers Supply at 4235 Corporate Exchange Drive also received a dimensional variance for height to allow a 44' tall building.
- This addition is not close to the street. The existing office portion of their building extends 70' in front of the proposed addition and the taller portion of the addition is staggered back 30-35' from the front edge of the addition. This results in a minimal impact from Highland Drive. At the shortest distance the 50' tall portion of the building will be about 140' from the right-of-way line, which will soften the impact.
- The rear wall of the addition is about 70' from the rear lot line at the closest point along the freeway. The building is about 160' from the off ramp and 180' from the freeway traffic resulting in minimal impact for the freeway.

Have you explored all possible alternatives? Please explain/list other alternatives and the reasons why these options are not feasible. Yes

- Do not build.
- Reconstruct with a larger footprint, or on the same footprint with less capacity.
- Construct a new facility outside of Hudsonville.
- These are not acceptable options.

A motion was made by Leerar, with support by Vander Maas, to approve a 50' tall building where 35' is the maximum permitted for a 15' dimensional variance in accordance with Zoning

Ordinance Section 5-20 F. 3. This approval is based on the finding that the 5 questions can be answered affirmatively.

Yeas 5, Nays 0

4. A motion was made by Herweyer, and supported by Leerar, to adjourn at 8:36 p.m.

Yeas 5, Nays 0

Respectfully Submitted,

Teri Schut
Planning / Zoning Assistant