



# Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 11/3/2022
<b>Statement of Issue:</b>	Conduct a Public Hearing to consider a variance petition submitted by Oppidan Investment Company, and the present property owner, Grand Rapids Economic Development Authority.	
<b>Background:</b>	<p>Oppidan Investment Company, and the present property owner, GREDA have applied for one variance, which if granted, would allow for the construction of a four story, 132-unit multi-family housing community building having an average building height to the mid-point of the roof of up to 48 ft.</p> <p>The subject property is 14.9 acres in area, and is currently located within a SR-4 (Shoreland Multiple-Family Residential- <i>high density</i>) zoning district (which was subject to an expanded Zoning Map Amendment request in February 2020) and legally described as: <i>Lot 1, Block 1, Great River Acres</i></p> <p>Oppidan Investment Company, has requested the Planning Commission’s consideration of one variance from Section 30-512 Table 17C-2 of the Municipal Code, which lists District Development Regulations for Principal Structures (setbacks/lot coverage/building height) within Shoreland Districts.</p> <p>The requested variance, if approved, would allow for the construction of a four story, 132-unit multi-family housing community building, having a mix of one-, two, and three-bedroom units. As proposed, the residential structure would have an average building height to the mid-point of the roof of 48 ft., exceeding the 45 ft. maximum building height allowed within a SR-4 (Shoreland Multiple-Family Residential- <i>high density</i>) zoned district by 3 ft.</p> <p>The applicant, within the variance petition, cites a need for the proposed 4-story building in order to maximize site density, while working within the shoreland density/tier requirements, maintaining a cohesive building design &amp; placement for the proposed development, to help address the need for additional housing options in the area.</p> <p>Additionally, the design of the building will create an inviting outdoor space, that fits the look and feel of the neighborhood, while working with the sites unique topography, and accommodating stormwater/drainage and on-site parking requirements.</p> <p>As some background information, there are a couple of reasons zoning ordinances limit building height: First, to prevent the impairment of solar access to neighboring properties. Another reason zoning ordinances typically restrict structure height is tied to firefighting capabilities. In Grand</p>	

Rapids, our firefighting ladder equipment is capable of fighting fires in tall structures, such as the Blandin Paper Mill which is approximately 100 feet in height, making this is less of a concern.

In looking at the question of solar access impairment to neighboring properties, staff compared a 48 ft. tall building setback 35 ft. from the side yard property line (as proposed), with a 45 ft. tall building setback 20 ft. from the side yard property line (this in the min. setback in SR-4/R-4 zoning district), and determined that the AM sun would reach the side yard property line earlier with the 48 ft. building setback at a greater distance, rather than the 45 ft. tall building setback at the minimum distance allowed.

While the Grow Grand Rapids 2040 Comprehensive Plan does not address items such as “building height”, it identifies several broad Goals and Objectives related Housing needs in the community:

- *Goal 1: Facilitate the development of a vibrant, varied, and interconnected housing stock.*
  - *b. Identify opportunities to incentivize housing development that encourages developers to pursue an affordable and varied housing stock that meets community needs. Additionally, find opportunities to promote housing in needed locations throughout the community beyond the profitable locations.*
  
- *Goal 2: Provide a mix of affordability in the City’s housing stock.*
  - *b. Provide for a range of housing typologies that respond to community needs. A sustainable community is one that has housing for people at all phases of life, from young to old, single-person to family, over a variety of incomes. In particular, the City will continue to see a need for more senior housing choices, ranging from independent living to assisted living communities. A related area of focus is “Missing Middle Housing”, which includes single-family attached and right-sized multifamily options that can be integrated into existing neighborhoods, supporting goals for interconnected housing and aging in place.*

The construction of a four story, 132-unit multi-family housing community building, having an average building height to the mid-point of the roof of 48 ft., as proposed, would require the Planning Commission’s approval of one variance.

1. Section 30-512 Table 17C-2 of the Municipal Code, which lists District Development Regulations for Principal Structures (setbacks/lot coverage/building height) within Shoreland Districts, and establishes a 45 ft. maximum building height for principal structures within a SR-4 zoning district.
  - *Potential condition for variance approval outlined below in “example motion”*

<b>Considerations:</b>	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.
<b>Recommendation:</b>	<p>Staff recommends that the Planning Commissioners visit the site and look at the situation.</p> <p>Prior to making a motion to approve or deny the request, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or deny the variance(s).</p>
<b>Required Action:</b>	<p>Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variance.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby <b>(grant)(deny)</b> the following variance to Oppidan Investment Company, and the present property owner, Grand Rapids Economic Development Authority for the property legally described above/within Staff Report;</p> <ul style="list-style-type: none"> <li>• to allow a one-time waiver of the requirements of Section 30-512 Table 17C-2 of the Municipal Code for the construction of a four story, 132-unit multi-family housing community building which would have an average building height to the mid-point of the roof of 48 ft., exceeding the 45 ft. maximum building height allowed within a SR-4 (Shoreland Multiple-Family Residential- high density) zoned district by 3 ft., as depicted in the variance application submitted by Oppidan Investment Company, and the present property owner, Grand Rapids Economic Development Authority.</li> </ul> <p><i>(If the Planning Commission wishes to place conditions upon their approval, the following should be added to the motion:)</i></p> <p>and that the following condition(s) shall apply:</p> <ul style="list-style-type: none"> <li>• <i>The variance approval is contingent on building being setback a minimum of 35 ft. from the west side yard property line, as depicted on the draft site plan.</i></li> </ul>
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• Site Map</li> </ul>

	<ul style="list-style-type: none"><li>• Copy of the variance petition and associated documentation</li><li>• Correspondence</li><li>• Updated Housing Study</li><li>• List of the Planning Commissions Variance Considerations</li></ul>
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