



April 28, 2017

Grand Rapids Board of Zoning Appeals
Grand Rapids Planning Department
1120 Monroe NW
Grand Rapids, Michigan 49503
RE: Oakwood Manor – 547 Cherry St. SE

Dear Members of the Grand Rapids Board of Zoning Appeals:

The Heritage Hill Association Board of Directors supports the proposed variance request with conditions, for the use of the west lower level and added patio space for a restaurant in the Oakwood Manor. In addition to the applicant's open house, the Association has heard from neighbors, both last year and this year regarding neighbors' concerns and perspectives. The majority have expressed support, but some neighbors have concerns. We must stress that our support is based on adding conditions.

Please consider the following rationale for the Association's position, including the proposed conditions that need to be included for the Association's support:

1. **The proposed is consistent with the neighborhood policies of the Association's Master Plan of Heritage Hill.** This plan was recognized by the Grand Rapids Planning Commission in 1988 "as a reference guide for decisions which affect the future of the neighborhood" and was updated in 2005.
 - a. The plan encourages "the use of existing structures for the purposes for which they were built." In this case, the west lower level was built as a restaurant and has been used for that way since the beginning.
 - b. It "encourages resident support of neighborhood business and services."
 - c. It recommends "securing optional off-street parking in existing or new facilities."
 - d. It "encourages early involvement of HH Association in planning for commercial and institutional development."
2. **Dimensional & Use Variance:** *With conditions*, the proposal could meet the Standards for Review. We have followed the dimensional variances standards for simplicity. These standards also address the use of the property.
3. **Exceptional or Extraordinary Circumstances of Conditions:** The size of the lot, the setback of the building and the spacious grounds would allow improvements on the grounds. Any development should address issues affecting nearby neighbors.
4. **Substantial Property Right:** There are other large parcels on this large rectangular block, including the Hillmount Condominiums, TV-8, 50 College building and the Waters Apartments, with adjacent parking on the property. The added parking in front would support residential and commercial uses in the building. The proposed additional parking in the rear may accommodate added commercial staff and residents, but may not accommodate users of the restaurant. However, the proposed additional parking in the rear of the building may be issues of the property owners on Avalon Terrace. These include:

inadequate landscape buffer along the north end of the parking lot and overly bright LED lighting on the parking lot and building.

5. **Not Self-Created:** Until recent years, a restaurant had existed in the west lower level of this building since the building was built. The expansion of commercial activity onto a courtyard patio is new, but complementary to the restaurant. Because of the size of the parcel, it can support this use. Although there are some issues, outdoor activity may enhance outdoor enjoyment for residents, make the commercial aspect more appealing and create an active outdoor use on this large urban parcel.

6. **No Substantial Detriment:** Since most neighbors and residents like the idea of a restaurant on the west side, the proposed changes may not cause detriment to adjacent properties or the surrounding neighborhood, but could enhance it. However, key issues for neighborhood residents are the level of noise, increased traffic and the parking needs that the restaurant will generate in this *residential neighborhood*. Neighbors have made the comparison of parking & traffic issues to areas to restaurants in the traditional business zones along Cherry, Wealthy and Fulton. Since this is a *residential zone*, the Association wants to avoid this likely scenario of the activity that could happen at the Oakwood Manor. The following conditions are critical to address these serious concerns: Parking, Traffic & Noise are concerns in an urban neighborhood. On & off-street parking are at a premium, with many properties sharing driveways. Some streets near the Oakwood have one-side only parking but others, such as Union Avenue, have parking on both sides. During the day, most spaces are occupied by clients of nearby businesses. The adjacent Cherry Health is a huge generator of day time parking and traffic. At night, residents fill many available spots on the streets. Large delivery trucks may be a problem along Union Avenue in terms of turning into the Oakwood's rear parking and managing this one-way street narrowed by two-sided parking from May to November. Neighbors are also concerned about the volume of parking impeding any emergency vehicles.

7. **Proposed Conditions to Support the Application:** Both last year and this spring, neighbors' discussions identified several concerns about any possible development. The Association recommends that the Board of Zoning Appeals adopt conditions if the application is approved. These include
 - a. Limit the capacity of a restaurant to 99 people inside and 50 people on the patio on the west side of the courtyard.
 - b. Require the applicant to limit the hours of operation activity to limit the disruption in this residential area:
 - i. Inside: 7:00 am to 11:00 pm, Sunday – Thursday; 7:00 am to 12:00 am Friday and Saturday.
 - ii. Outside: 7:00 am to 10:00 pm, every day, with last call at 9:00 pm.
 - c. Prohibit acoustical or amplified music on the patio, and allow only limited acoustical music / background music inside.
 - d. Require the applicant to landscape the outdoor patio area to absorb some noise and catch trash that might blow off the patio.
 - e. Require applicant to arrange for the number of off-site parking spots (as required by the zoning code) with nearby businesses to accommodate patrons of the Oakwood's restaurant. After 5 p.m., these uses could offer complementary valet parking so that

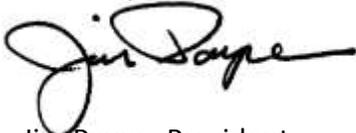
patrons are not circling residential streets searching for parking spots. Other parking arrangements during the day should be identified by the owner. As noted during the day before 5:00 pm, there is minimal parking space in other lots or on the street.

- f. Require applicant to designate an area where bicycles can be securely parked and designate a parking space in the front circle for taxi, Uber or Lyft vehicles.
- g. Require that owner and restaurant request deliveries and pick-ups after 7:00 am and that smaller trucks be used.
- h. Require the building owner or restaurant to arrange for morning trash check on the property that may be associated with clientele of the restaurant.
- i. Require that a designated smoking area with a cigarette disposal container be placed somewhere on the property away from the patio space & buildings so that smokers are not littering the public sidewalk.
- j. Require residential-friendly lighting and appropriate intensity for all around the building, including walkways, the patio and the rear parking lot (blocking the light shining into adjacent yards and homes).

Please consider the considerations recommended above in your decision process of the proposed development. If limits to the capacity, noise, and parking are not included in this variance determination, neighbors and the Association cannot support the proposed use.

Thank you.

Sincerely

A handwritten signature in black ink, appearing to read "Jim Payne". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

Jim Payne, President
Heritage Hill Association