

CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES

January 14, 2020



A regular meeting of the Grand Haven Planning Commission was called to order by Chair Bill Ellingboe at 7:00 p.m. in the Grand Haven City Hall Council Chambers. On roll call, the following members were:

Present: Tim Deiters, Ryan Galligan, Bob Grimes, Andrea Hendrick, Kevin McLaughlin, David Skelly, Kirsten Runschke, Mike Westbrook, Chair Bill Ellingboe.

Absent: None.

Also present were Jennifer Howland, Community Development Manager and MaryAnn Poel, Administrative Assistant.

Motion by McLaughlin, seconded by Runschke, to approve the December 10, 2019 regular minutes was approved by voice vote.

Chair Ellingboe welcomed new members Andrea Hendrick and Ryan Galligan.

Call to Audience

Case 19-36: An application for a Site Plan Review for a proposed outdoor dining area, fire pit, and sidewalk café located at 41 Washington Avenue (parcel #70-03-20-404-007).

Runschke recused herself as she was the architect for the project.

Howland explained this request was to add an outdoor dining area that was partly on private property and partly on public property. The proposal also included a fire pit element. The portion of the outdoor dining area that would be located on public property was the 4 foot deep enclosed area along the south wall of the building adjacent to Washington Avenue. This area was considered a semi-permanent sidewalk café because it would allow alcohol consumption. If approved, this new site plan would take the place of a previously approved sidewalk café for the old Coffee Grounds which did not serve alcohol. The portion of the outdoor dining area that would be located on private property would be an outdoor dining area and fire pit located to the immediate west of the building. A new overhead door would be added to the south wall of the building which would provide direct access to the outdoor dining area from the inside. On the east side of the building, an existing small outdoor dining area would be expanded, a new door will be installed, and the applicant was requesting that an existing city planter be removed.

Chris Michner, 17455 Mountain Plat Dr and owner of Odd Side Ales, explained there was currently no outdoor dining area on the Washington side. The previous sidewalk café area was a few tables where patrons had coffee. He wanted to replace the current entrance with a garage door and add a new entrance door on the 1st Street side. He was trying to create a certain type of atmosphere and he felt the fire pit was going to be a great addition.

Deiters asked if the fire pit would be propane or natural gas and Michner stated it would be gas.

Magda Smolenska, 1609 Pine Ridge Ct, Senior Architect at Progressive AE representing architektura PLC, explained that the fire pit would have an automatic shut off and it would be subject to the approval of the Fire Marshal.

Galligan asked if the fire pit was going to be roped off or have some type of separation for protection of the patrons. Smolenska replied the area would be fenced with the same kind of fencing that was currently there around the outdoor area, but patrons could only get into the outdoor area from the inside of the business.

Skelly asked why they were requesting the removal of the city planter and Michner replied mainly it was to get more outdoor space on that side.

Westbrook felt the fire pit was an exciting feature and he had no issues with the plan.

Motion by McLaughlin, seconded by Grimes, to approve the site plan for a proposed outdoor dining area, fire pit, and sidewalk café located at 41 Washington Avenue subject to the following conditions:

1. Seating within the semi-permanent sidewalk café along Washington Avenue is limited to 10 tables with 2 chairs each.
2. The City Council must approve the license agreement for the semi-permanent sidewalk café.
3. The business owner must obtain a Sidewalk Café permit every year.
4. Removal of the City planter along First Street requires approval from the Public Works Director.

The motion passed on the following roll call vote: Ayes: Deiters, Galligan, Hendrick, Skelly, Westbrook, McLaughlin, Grimes, Chair Ellingboe. Nays: None.

Runschke returned to her seat on the Commission.

Case 20-01: A work session to determine whether the application for a Special Land Use Permit for retaining walls located at 38 Crescent Hill (parcel #70-03-29-320-002) is complete and ready to schedule a public hearing.

Howland explained the proposed retaining wall needed Planning Commission approval because the wall was not going to be built in the same footprint, some of the retaining wall exceeded 4 feet in height, and one wall appeared to project above the 45 degree angle established by Section 40-327 of the Zoning Ordinance.

Dave Kellogg of Everett's Landscape Management, 7884 Eastern Avenue in Grand Rapids, explained there were a number of timber retaining walls around this home that were failing and the owner was experiencing quite a bit of erosion. The owner had previously received a DEQ (now EGLE) permit to build sheet pile walls, but that was never acted upon. They were now proposing a concrete modular block system retaining wall. They planned to remove the timber walls and rebuild a block system retaining wall within 2 feet of the footprint of those original walls.

Deiters asked if the 2 foot plates were steel and Kellogg replied they were basically galvanized guardrail material with plates.

Deiters questioned whether that material was really going to be able to retain the sand and the pressure of the sand.

Kellogg stated that EGLE would only allow a minimum disturbance to the slope and the vegetation so they had to have material that they could move with an extended boom and do the installation by hand. He added that he had just given staff a new updated drawing and Deiters stated they needed to see that new drawing.

Deiters noticed there would be one inch crushed stone in and behind the wall and asked if there would be any re-rod in the wall. Kellogg stated there wasn't but they could do that. He stated the blocks would be interlocked between courses and they would be putting tie-backs in per the plan. He stated the maximum height of this wall was going to be 6 foot and this system worked for a wall up to 20 feet tall.

Galligan felt it was ready to move forward to the public hearing.

Skelly asked him to explain the drainage system. Kellogg stated it was a hollow core wall that would have crushed aggregate in the wall, perforated tile below the wall, then a zone of rip rap, and crushed aggregate behind the wall.

Hendrick asked if they had an EGLE permit for this wall and Kellogg stated they were told by the State they needed to have all the local permits first.

McLaughlin and Runschke stated it was ready for a public hearing.

Deiters wondered if the Commission should require engineering or a sealed architect plan.

Motion by Runschke, seconded by Grimes, to set the public hearing for the next available meeting carried by voice vote.

Hendrick stated the ordinance did allow the Commission the authority to require engineering or a sealed plan.

Howland stated she would confer with the Building Inspector and see what he would require.

ZBA Liaison Report –There was no meeting last month.

Community Development Manager's Report

Short-term rental report:

Howland stated at the last meeting Deiters had asked for a short term rental update. She explained that every year she put together an annual report and that typically included a report on short term rentals. The most recent report showed that 14 new SLU permits for short term rentals were approved by the Commission and only the 36 Edward application had not moved forward due to parking limitations.

Deiters asked if there had been any complaints, either through Public Safety or her Community Development department, in the last two years that had resulted in revoking a short term rental permit.

Howland stated Public Safety did not track rental complaints as they had no way to flag a property as a short term rental in their system. She stated her code enforcement officer did track violations and there was only one property that her department was regularly working with on gaining compliance. She stated any rental property that was repeatedly violating the same ordinance could result in their rental certificate being put in jeopardy. She stated they had not gotten to that point with any rental.

Deiters stated that was his point. When the city changed the ordinance a few years ago to only allow short term rentals on key street segments, the Commission was told that it would be reviewed in a couple of years. He stated if there had been no complaints in the last couple of years, it was his opinion that the ordinance should be reviewed and those key street restrictions should be lifted. He felt every owner deserved the right to be able to make money on their property.

Chair Ellingboe also pointed out that as part of that ordinance change, the city also "grandfathered" existing short term rentals which allowed them to continue to operate even though they were not located on a key street. He agreed that had created a level of unfairness because one property on a street was allowed to be a short term rental but a property right next door could not. He was not sure how that could be communicated to Council so that the Commission could revisit that ordinance.

Deiters agreed and stated that the fear before was that short term rentals would result in noise and drinking parties, but there had been no issues. He felt there was no longer any basis for the restrictions.

Howland pointed out that one of the reasons that there hadn't been complaints might be that the short term rentals were now only allowed in the higher traffic areas, such as the key street segments, instead of being in the lower traffic residential areas. She stated she hadn't gotten any direction from Council that they wanted a change. But there was a new Council now, so she would relay these comments to the City Manager and he could communicate the information to Council.

Hendrick commented that if the city was looking for ways to increase affordable housing, they may not want to increase short term rentals.

Identify Ottawa Sands committee member:

Howland stated both Deiters and Grimes were interested in being an Ottawa Sands member.

Planning Commission Priorities:

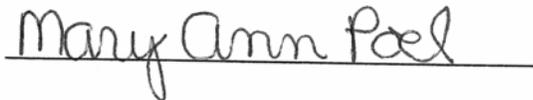
Howland stated the priorities were last updated in 2018. The recreational trailers being parked on the street were now under Public Safety for enforcement. There hadn't been support to move forward with food trucks being allowed and the Main Street DDA did not wish to take up that issue. A beach overlay area had been created. They were currently updating the zoning ordinance. Howland stated that there would be a new list of Council goals shortly so the Commission may want to wait and update their priority list to align with the Council goals.

She asked if there was consensus to wait for the Council goals and there was consensus for that.

Deiters asked if there was any update on the Stanco project, the hotel project, or if there was any information on why construction had stopped at the Unicorn Tavern. Howland replied she did not have any new information.

Adjournment:

Motion by Deiters, seconded by McLaughlin, to adjourn was unanimously approved by voice vote. The meeting adjourned at 8:30 p.m.

A handwritten signature in cursive script that reads "Mary Ann Poel". The signature is written in dark ink and is positioned above a solid horizontal line.

MaryAnn Poel
Administrative Assistant
Community Development Department