CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES

August 11, 2020

A special electronic meeting of the Grand Haven Planning Commission was called to order by Chair Bill Ellingboe at 7:30 p.m. via Zoom. On roll call, the following members were:

Present: Ryan Galligan, Robert Grimes, Andrea Hendrick, Kevin McLaughlin, David Skelly, Mike Westbrook, Chair Bill Ellingboe.

Absent: Kirsten Runschke

Also present were Jennifer Howland, Community Development Manager and Pat McGinnis, City Manager.

Call to Audience – First Opportunity
Pat McGinnis read the Facebook comments:
- Sue Silverman, 411 Howard, doesn’t support changes to the Southside neighborhood; architectural integrity would be impacted; she referenced Oprah magazine article; proposed changes would be very detrimental to the Southside neighborhood.
- Todd Crum, 415 Sandpiper; regarding Case 20-18, the development severely lacks parking and is too aggressive for the site. Enforce 2 spaces per dwelling unit.
- Mark Sheehan, 411 Howard Ave, opposes converting single-family homes in Southside to higher density; it would create traffic issues and destabilize the neighborhood.

Election of Officers
Motion by McLaughlin, seconded by Skelly, to elect Bill Ellingboe as chairperson, Robert Grimes as vice chairperson, and Kirsten Runschke as secretary was approved unanimously by roll call vote. Ellingboe informed the commission that he would be term limited come June 2021.

Approval of Minutes
Motion by Skelly, seconded by Westbrook, to approve the July 14, 2020 minutes was approved unanimously by roll call vote.

Case 20-17: An application for a Special Land Use Permit for a Two-Unit Dwelling located at 1236 Fulton Avenue (parcel #70-03-21-452-008)
Howland introduced the case. Nicole Steward was present to answer questions.

Chair Ellingboe opened the public hearing. Facebook comment received by Robyn Vandenberg, 1006 S Harbor Dr, please allow this; it would be more affordable housing for the City.

Motion by McLaughlin, seconded by Skelly, to close the public hearing carried unanimously by roll call vote.
Galligan said that the expanded parking is great; he had no further comments. Grimes asked how parking spaces will be used. Jamal Stewart, owner, said it would be for a turnaround and parking.

Hendrick, McLaughlin, Skelly, and Westbrook had no concerns.

Ellingboe said it is nice to see property improvements and it makes sense.

Motion by Grimes, seconded by Galligan, to approve the request for a Special Land Use Permit for a Two-Unit Dwelling located at 1236 Fulton Avenue, with the condition that a land use permit be obtained for the driveway, carried unanimously by roll call vote.

Case 20-18: An application for a rezoning from OT, Old Town District to PD, Planned Development District and a preliminary development plan for a Multi-family Residential Dwelling with parking on the first floor located at 101 North 3rd Street (parcel #70-03-20-429-020).

Howland introduced the case. Her introduction included an explanation of the clear vision corner and Public Safety input, newly proposed Art Deco elements, and concerns about providing 33 parking spaces for 39 units.

Chair Ellingboe opened the public hearing.

Howland read emails received:
1) Austin Averill, who is opposed to a height above the Old Town District standard.
2) MSDDA Executive Director Jeremy Swiftney (executive committee was concerned about lack of mixed use).
3) Historic Conservation District Commission requests that the Art Deco history of the property be incorporated into the redevelopment.

McGinnis read a comment from Facebook: Erin Braginton, 1119 Slayton Ave asked if it would be luxury or affordable, and where would overflow parking be for these units.

Motion by McLaughlin, seconded by Westbrook, to close the public hearing carried unanimously by roll call vote.

Denny Cherette, Andy Eckert (Gafari Associates) available (architect), Larry Hall (VP), Derek Braak (Cherette Group) were present to represent their proposed project. Mr. Cherette stated that the property is master planned CBD, yet the commissioners and staff keep referring back to underlining zoning for parking, height, setbacks. That's why they are pursuing a PD, which is essentially contract zoning. They are unwilling to go below 1:1 parking for the site. There is no 2:1 parking anywhere in the CBD or urban area. He disputed the fire department's requirement for a fire lane, citing street access and that there is no access to the north of the existing building. He believes the requirement is an overreach and unnecessary. He seriously doubts the City will get another significant development on this site if his project is not approved. The motions as proposed are unacceptable to them.

Mr. Cherette said that it was a good idea to add some Art Deco elements. The City team has been gracious, patient, and responsive. But his team is weary; they will walk away from the project as proposed with the conditions imposed by the City. He feels there is a dislocation
between the master plan and the plan review comments. They are considering extending a roof over the exterior parking spaces. He doesn’t get why a fire truck would be placed between the buildings. No one has explained the logic of the requirement. He is open to suggestions.

Galligan said that he is excited about a large multi-family development in the downtown area. He doesn’t understand access for fire. He has no problem with zero setbacks and would like 1:1 parking.

Howland explained the fire marshal’s review process and said she would get more detailed information.

Grimes asked if there are any shared parking options. He wonders if the presence of balconies on the north wall contributes to the need for a fire lane.

Hendrick asked Howland for Old Town District setbacks and Central Business District land use information. She likes the site, likes the project, but she is having a very hard time with the appropriateness of the project (fire, setbacks, clear vision, over on height). It is unclear to Ms. Hendrick why Mr. Cherette isn’t involved in the zoning ordinance update process rather than shoving the project onto this site. Ultimately, she is having a hard time with no active storefront, not enough pedestrian oriented design, giving on parking, etc. She doesn’t believe this is an appropriate size and mass for the parcel, even though she loves density.

McLaughlin thinks it’s a great project; he would really like to see it happen. He understands Hendrick’s concerns, but it’s something the city needs and is a great look. He asked if the fire marshal can be overridden. If he made a motion, he would leave the issue of the parking to someone else.

Skelly concurs with McLaughlin and Galligan, but he understands Andrea’s concerns. It is an exciting opportunity. He wants to see a fair process for the applicant and more information on fire requirements.

Westbrook appreciates the HCDC response/accommodation. “The Trib” name is awesome and a nice nod to the history of the building. The two big issues are parking and the fire lane. He would rely on the fire marshal to negotiate a solution. Parking needs a solution. He would like to keep it moving forward, but we need a resolution to those two items.

Ellingboe said that not having 39 spaces (one for each unit) would be a show stopper. We need a 1:1 parking ratio. He is open to fire lane alternate. He is also concerned about south egress onto Columbus with limited sight lines.

Mr. Cherette said that public safety is paramount. To Hendrick’s concerns, this is not a packed site. It is thoughtfully designed and parking exceeds urban setting standards. However, it won’t work without the 1:1 parking. He said they actually needed one more floor to make the numbers work; it’s a modest return as proposed. He said they may need an extension for their purchase deal or a special meeting. They can’t put the dumpster 3 feet away; they need to be on the lot line. They could change the access to Columbus to one way.

Andy Eckert, Gafari Associates, designed the building as a commercial building, with no requirement for balcony rescue. They get a bonus level in the code with the 5th story. The
elevator can be for fire rescue. They could also enclose the parking structure and fill in the area to the north of the building with a garage extension. He left the first floor open at the Columbus access driveway for better visibility.

Cherette stated that mixed use won’t work there. They can’t generate the revenue there; that’s why they elected to be fully residential. It would be detrimental to the downtown retail and office market to make it mixed use. Further, he expects a change in the demand for office utilization as remote work becomes more prevalent.

Mr. Cherette asked again why the commissioners refer to OT and CB zoning standards when they are proposing a PD. Howland explained that the commissioners look to adjacent neighborhood standards when reviewing a PD to ensure it is compatible with the surrounding area. The PD ordinance is not set up as a contract zoning ordinance.

Ellingboe reminded the commissioners that they are being asked to make a recommendation for approval or denial; either route requires appropriate feedback to the City Council to justify the recommendation.

Galligan suggested a condition be added that the fire marshal works out a solution with the applicant regarding the fire lane.

Grimes’ preference would be to continue to work on solutions.

Mr. Cherette stated that if the Planning Commission recommends denial, they are withdrawing. He will meet with the fire marshal and Howland in the interim, but not if the Planning Commission recommends denial. He reiterated that the dumpster setback can’t be met. Howland explained the requirement but stated that it wasn’t a big issue if it is appropriately screened and maintained.

Motion by Grimes, seconded by Galligan, to recommend approval of the application for a rezoning from OT, Old Town District to PD, Planned Development District and a preliminary development plan for a Multi-family Residential Dwelling with parking on the first floor located at 101 North 3rd Street (parcel #70-03-20-429-020), with the conditions listed below, carried unanimously by roll call vote.

Conditions:
1. A departure from the building height guidance standard is approved to allow for a 66 foot, 9 inch tall building, provided the setback from the north property line is as shown on the preliminary plan (32 feet, 9 inches).
2. The tree lawn along Third Street will be re-established per Public Works specifications.
3. Landscaping around the perimeter of the property should be provided wherever possible to soften and screen the site.
4. A 20 foot wide fire lane will be provided to the north of the building.
5. The dumpster enclosure is limited to 6 feet in height and may be located on the property line.
6. Signage shall conform to the Central Business District standards.
7. Exterior cladding materials shall meet the standards of the Central Business District.
8. The fire marshal and City Council must approve the site plan as proposed in order to provide a 1:1 parking ratio.
Case 20-19: A proposed text amendment to Section 40-301.03.F of the Zoning Ordinance to allow for the installation of a power safety cover in lieu of a fence around a pool, consistent with the regulations of the International Pool and Spa Code.

Howland explained the proposed text amendment.

Chair Ellingboe opened the public hearing. Scott Bekins sent McGinnis a photo of his pool. McLaughlin asked why it is being used without a fence. Howland stated it has not been final inspected and isn’t expected to be occupied at this time.

Motion by Grimes, seconded by Galligan, to close the public hearing carried unanimously by roll call vote.

Galligan appreciated the research staff has done. If the building code allows it and most local officials allow it, it’s fine with him.

Grimes stated that realistically, it’s a great plan; technology is available today; it wasn’t there a few years ago.

McLaughlin appreciated the work done. He still has concerns about the proposal. There has to be some separation/delineation between properties. It’s not a technology concern; what happens if the pool cover is left open?

Skelly agrees with McLaughlin; he is not comfortable with supporting this amendment at all. He did his own research, and has history and experience with pools. He understands marketing messages from manufacturers. Technology can fail; nothing is foolproof. The two top insurance companies disagree with this as an option. He will not support it.

Westbrook agrees with McLaughlin and Skelly. If the auto pool cover is left open, it’s a risk to children. He provided some CDC research of drowning deaths: highest drowning rates occur in home swimming pools for Ages 1-4. One of the primary contributing factors is lack of barriers. To improve the aesthetics of the pool, he cannot forego the safety of a fence.

Hendrick questioned whether we are overstepping the responsibility of zoning to require this if the building code doesn’t require it. We don’t require a fence in the front yard to prevent kids from running into the street. We need to stay in our lane. She cares about the safety of our kids. The only reason to lean towards being in favor of this is because it may be out of our land use lane.

Ellingboe says it is a safety concern, but it is not the role of zoning or the Planning Commission.

Grimes has had a pool in every home since his son was a baby. Pool covers stop a resident from walking out of the house and falling into the pool. With fences, older kids can prop the gate open. A pool cover is a visual to the owner that the pool is safe and closed. You can’t always see the fence gates.

Skelly stated that municipalities on the east side of the state require a locking gate. He would be interested to hear from the community more. The commission could consider not moving forward with this tonight; it’s an extremely important decision.
Ellingboe reminded the Planning Commission that it will be a recommendation to the Council, so there will be more discussion.

McLaughlin said that this is ultimately a Council decision, probably not a zoning decision. He recommends that the Planning Commission vote on it and send it on to the Council.

Motion by Grimes, seconded by Galligan to recommend approval of the proposed text amendment to allow a power safety cover in lieu of a fence around a pool carried with a vote of 4-3. Ayes: Hendrick, Grimes, Galligan, Ellingboe. Nays: McLaughlin, Skelly, Westbrook.

Case 20-20: An application for an amendment to the approved landscape plan for Grand Landing, south of Adams Avenue (affected parcels include 70-03-21-152-012 and 70-03-21-152-013).
Howland introduced the case.

Stephanie Allaire of Waveland Property Management was present to represent the request. She thanked Howland for her help.

Ellingboe stated that the first step is to determine whether it is a minor or major amendment.

Galligan said that it seems more like a major change. It drastically changes aesthetics of the frontage.

Grimes said it falls in between. He'd like to find a way to accommodate concerns of the commercial properties. We want them all to be successful, but it is a lot of change.

Hendrick understands there was no malicious intent. She regularly goes to that area and considers what the landscaping screening does for those businesses to enhance the setting. The drive-through businesses change the character of the development. In general, screening is beneficial for businesses. She is not in favor of change and believes it is major because there is a lot of lost landscaping.

McLaughlin and Westbrook agree with Hendrick; it is a major change. Skelly agrees; screening had a proper intent but understands original trees were not installed properly. Ellingboe is unsure. He was on the planning commission when some of Grand Landing PD changes were happening. He doesn't want to hold Ms. Allaire accountable. However, there was a lot of discussion about the project being a gateway to the City. He believes it requires a review by the Planning Commission and a public hearing process. He leans towards considering it a major change.

Howland asked Ms. Allaire if she has developed a proposed plan, as there may be an expectation that there would be an alternate proposal. Ms. Allaire stated that Kevin from City Farmer has not yet worked up revised plans. She will need to work through the Association board.

Motion by Galligan, seconded by Grimes, to determine that the proposed amendment to the approved landscape plan for Grand Landing, south of Adams Avenue (affected parcels include 70-03-21-152-012 and 70-03-21-152-013) is considered a major amendment and therefore will
require review of a revised preliminary plan per the Zoning Ordinance carried unanimously by roll call vote.

Case 20-21: The Planning Commission will consider a proposed text amendment to Section 40-509 of the Zoning Ordinance related to vacuum stations at an Automobile Wash.
Howland explained the proposed text amendment. She will identify other car washes in the community and provide a list of other special land uses that require a separation from residential land uses for comparison.

Grimes struggles with the proposal; it is a busy business area. There are some residential uses across the street, but it is not really a residential area today.

Hendrick said that because car washes are only allowed in the Commercial and Beechtree Districts, she doesn’t feel it is a big change.

McLaughlin agrees with Hendrick, but believes that screening requirements should be considered. If equipment is located in an enclosed building, it’s not a noise issue, but more of an activity perspective.

Skelly asked Roy Kamps, owner of Touch of Class Auto Wash, for clarification on other sites where this vacuum system is employed. Mr. Kamps explained that the vacuum equipment is placed in a building for aesthetics, and they tend to incorporate the building and dumpster in one structure (see Allendale location). As a result, you only see the poles and hoses. Skelly asked if the noise level changes based on the number of vacuums being used. Mr. Kamps said that it remains steady regardless of the number of vacuums being used.

Westbrook believes screening would be ideal and has no other issues.

Ellingboe reminded the commissioners that if a commercial use abuts a residential use, screening is required anyway. Automobile washers are also a special use, so we could consider special circumstances on a site by site basis.

Howland asked if the commissioners want to consider this amendment separately from the larger zoning ordinance update. Ellingboe said that the main focus of the zoning ordinance update is on affordable housing and residential uses. The commercial focus of this text amendment could be considered separately.

Hendrick thanked Mr. Kamps for going through the right channels to request an amendment.

Motion by Hendrick, seconded by McLaughlin, to set the public hearing for September 15, 2020 and have staff work on language passed unanimously on roll call vote.

Case 20-09: The Planning Commission will review recently collected public comments related to the draft Zoning Ordinance, consider making changes to the draft, and determine a timeframe to schedule a public hearing.
Planning Consultant Andy Moore from Williams + Works reviewed the public engagement sessions held recently. Moore reviewed his memo dated August 6, 2020 as well as the public comments included in the meeting packet, which had been collected since the last Planning
Commission meeting.
Moore summarized that there are concerns from a few residents that the proposed residential density of the Southside District may cause traffic, overcrowding, and adverse impacts to historic structures, and they asked the City to consider scaling back residential density. Mr. Moore reviewed the table in the memo that shows the proposed residential density in all districts, and reminded the commissioners that the overall goal is to increase opportunities for attainable housing in the City.

McLaughlin said it is more an issue of availability of housing; the market might not allow for affordability. Howland explained that Housing Next’s message is that we need more housing units at all price points. Moore stated that the changes give more options for residents for different size homes, incremental changes in density, and smaller scale projects like ADUs.

Ellingboe said that it is helpful to provide some narratives where this would be beneficial to the community. For example, one scenario is a child returning to Grand Haven after school seeking a full time job, or an aging parent needing some independence. The intent is not to knock down homes and build large developments.

McLaughlin said that we should do everything we can to protect neighborhoods. Grimes agrees, stating that we are trying to over-populate our residential areas. In the business areas, it makes sense to increase density where there is more traffic and parking. By default, allowing higher density in residential neighborhoods will eliminate character and cause traffic issues.

Ellingboe reminded the commissioners that we have existing nonconforming uses in these neighborhoods; they may have differing views as well. They would love to improve their homes but can’t because they are nonconforming.

Moore said that the table shows several different levels of permission (prohibited, special use on Key Street Segments, Special Use, and permitted by right). The Planning Commission can consider changing the level of permission.

Hendrick said that setting it as a special use reflects what community members are saying. We have had these conversations with the community about affordable housing. A special land use by nature will accommodate neighbors within 300 feet. She feels that she has heard the complaints of the neighbors and they are accommodated by the special land use process. McLaughlin agrees.

Skelly asked if the Southside residents were aware of the existing zoning ordinance regulations. Howland said that in general, the residents of the Southside District are well informed.

The second item that Moore wished to discuss from the workshops was related to Accessory Dwelling Units (ADUs) on the second floor of a detached garage. The zoning ordinance imposes height restrictions on accessory buildings, which may make it challenging for some properties to build an ADU on the second floor of a detached garage. It’s important to ensure that an accessory building will remain shorter and smaller than a principal building, so they look and feel “accessory”. To be feasible, one needs 22 feet, but in order to do that, you need a house that is 28 feet tall. It was noted that the ADU could be attached to the house or constructed as a single-story detached ADU without concern for height.
Hendrick appreciates the research and is inclined to take the consultant's recommendation. Ellingboe asked what the best argument against it is. Moore said it would be concerns about bulk. You might see a lot of bulky accessory buildings that create more density and tall buildings. It is reasonable to say that an accessory building cannot be taller than your house. Two-story homes would be able to do a second story ADU. He also referenced the setback requirement for accessory buildings that exceed 20 feet: they must follow setbacks of the principal building.

Ellingboe reminded the commissioners that it was a special land use, so neighborhood concerns would be addressed.

Moore suggested that the City take the more restrictive path: An ADU located on the second floor of a detached accessory building may be up to 23 feet tall or the height of the principal building, whichever is less." This can be put into the special land use regulations.

Grimes asked for information about how height is measured when there is a hill. Howland explained that height is measured along the front building wall.

The commissioners discussed scheduling a public hearing during a special meeting.

Motion by McLaughlin, seconded by Hendrick, to set the public hearing for September 22, 2020 to discuss the Zoning Ordinance update passed unanimously on roll call vote.

**ZBA Liaison's Report**
Nothing to report.

**Community Development Manager's Report**
Howland gave a brief update on the progress of the Waterfront Master Plan.

**Call to Audience – Second Opportunity**
McGinnis read comments on Facebook:
- Terri Keeler, 1509 Wisconsin Ave, appreciates comments made by Hendrick regarding the Tribune building.
- Matthew Braginton, 1119 Slayton Ave, in reference to the Tribune project, it's not a good opportunity for the City if only one side benefits. Height, parking and fire codes should not have to all be bypassed. Developer keeps referring to things as normal for urban areas, but Grand Haven isn't an urban city.
- Carol Bowditch, 106 N 2nd Street, in reference to the Tribune PD, this building would be in her backyard with about 70 new people, cars, lights and noise. The building would be two floors too high, it does not fit in with the neighborhood design, and casts another high rise shadow on this neighborhood.
- Tanja Kelly, 1009 Pennoyer Ave, as a homeowner with a pool, she cannot support not having a fence surrounding the pool area. The risk is far too great.
- Liza Dorf, 501 Friant Street: in reference to the pool cover discussion, asks what happens when there is a power outage; agrees that Grand Landing landscaping is a major change.
- Jennifer Holland, 413 Lafayette Ave, if additional housing was available, people in affordable housing may want to move up, opening affordable housing for others.
Adjudgment:
Motion by McLaughlin, seconded by Hendrick, to adjourn was unanimously approved by roll call vote. The meeting adjourned at 10:14 p.m.

Jennifer Howland
Community Development Manager