CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES

December 8, 2020

A regular 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: Collin Beighley, Ryan Galligan, Robert Grimes, Kevin McLaughlin, Tamera Owens, Kirsten Runschke, David Skelly, Mike Westbrook, Chair Bill Ellingboe.

Absent: None

Also present were Jennifer Howland, Community Development Manager, Ashley Latsch, Assistant to the City Manager, and Pat McGinnis, City Manager.

Approval of Minutes
Motion by McLaughlin, seconded by Grimes, to approve the November 12, 2020 minutes was approved unanimously by roll call vote.

Call to Audience – First Opportunity  No comments.

Case 20-27: An application for a Special Land Use Permit for an expansion of an Automobile Wash located at 222 North 7th St, 714 Elliott Ave and 215 N Beacon Blvd. This project also requires a Site Plan Review.

Howland introduced the case.

Chair Ellingboe opened the public hearing. There were no comments.

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

Jeff Harwood and Norm Kamps were present to answer questions.

Skelly asked for a description of the proposed landscaping. Kamps offered to plant small trees or bushes, but they are limited on space. Skelly prefers year-round landscaping. A condition can be added to describe the required landscaping.

Motion by Grimes, seconded by Runschke, to approve the special land use permit carried unanimously by roll call vote with the following conditions:
1. Noise levels shall not exceed 60 decibels at commercial property lines or 55 decibels at residential property lines.
2. Year round (evergreen) landscaping must be provided at a minimum of 3 feet tall around the site.

Case 20-28: An application for a Special Land Use Permit for a Medical Marihuana
Provisioning Center located at 401 North 7th Street (parcel #70-03-21-303-029). Howland introduced the case.

Chair Ellingboe opened the public hearing.

Howland read two letters received prior to the hearing. Tom Tebeau, 315 N 6th Street, is opposed to the request because it is on the edge of his neighborhood and would prefer to continue to see kids playing outside. He is also opposed to locations at Did’s Deli and Rock N Road. Michelle Burnett, 644 Madison Avenue, is opposed to the request because she feels it may lower the value of her home. She prefers a sit down restaurant like Rendezvous.

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

Andrea Hendrick said she responded to the work session feedback. She feels the proposed landscaping matches the new landscaping in front of the building. Her good neighbor plan addresses loitering and stated that consumption on the premises is illegal.

Westbrook asked about the school owned property nearby. Howland explained that she consulted with the school district staff in charge of the building and they agreed that it was not a K-12 school and therefore didn’t require the buffer. Westbrook also asked about the Momentum Center for substance use disorder facility. Howland stated that the subject property does not fall within a sensitive buffer.

Skelly asked about whether the dumpster enclosure design meets the ordinance; Howland said it meets it. He wants to see landscaping along the northwest corner. Hendrick clarified that she is proposing hostas and tall grasses. She would prefer to avoid removing concrete due to engineering impacts.

Runschke wants to see more landscaping and asked for more information about the good neighbor plan. Hendrick said it’s a requirement of the City’s regulatory ordinance. In spring/summer 2020, she sent out a letter to neighbors within 350 feet and gave them access to an online survey. The plan addresses loitering, littering, preventing sales to minors or other crimes. She also intends to make the store manager’s phone number public so neighbors can reach out directly to address concerns.

Owens wants to see landscaping that blocks headlights.

Grimes asked about the neighborhood survey and what formal commitments Hendrick will make based on the feedback from the survey. Hendrick said it was a requirement of the business license with the City. The site doesn’t have locations on the property that would attract loitering. The business license must be renewed annually and they must maintain the good neighbor plan. Grimes asked if the neighbors would have the power to prevent the license from getting renewed. Howland said that throughout the year, regardless of the business itself, the property must follow the city’s laws, the property must be maintained, and the records from the prior year will be taken into consideration when the license is up for renewal.

Grimes said that arborvitae should be lined along the entire west and northwest property. He believes they should be planted at 4 foot intervals and at a proper spacing. Grimes is not a fan
of the location at the entrance of the City and the proximity to the neighborhood.

Ellingboe said it’s a public relations thing and there is a stigma for some in the community. The proposed hours of operation are significantly less than the 24-hour restaurant currently in that location. The intensity of the use will be significantly reduced.

Runschke asked for Howland to explain special use review standards, so Howland reviewed them.

Motion by McLaughlin, seconded by Beighley, to approve the special land use permit, subject to the conditions listed below, carried on the following roll call vote: Ayes: Owens, Galligan, Beighley, McLaughlin, Ellingboe. Nays: Grimes, Skelly, Runschke, Westbrook.

1. Four-foot-tall arborvitae must be planted along the west and northwest property lines. The spacing must match the width of the arborvitaes.

Case 20-29: An application for a Special Land Use Permit for a Medical Marihuana Provisioning Center located at 1830 172nd Avenue (parcel #70-03-33-201-004).
Howland introduced the case.

Ellingboe opened the public hearing. There were no comments.

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

Hendrick added staggered conifer trees behind the building to match existing trees in the area. There are some challenges to adding landscaping and screening to the site. The BLP substation is directly to the east, and there are significant power lines in the area. She thinks it's a good idea to screen it, but we have to be careful with what we plant. The shopping center is dated. They may purchase the shopping center. At that time, they could better update the landscaping, façade, and other screening. The back access aisle is not very visible. She is willing to extend the screen wall or build the dumpster enclosure elsewhere, but it is one of several dumpsters in that back drive aisle.

Westbrook said the location is appropriate for a provisioning center. The landscaping and screening is important. Westbrook asked why landscaping wasn't proposed along the east property line. Howland stated that the substation was to the east, and there was some landscaping. There may be an opportunity for one or two trees at the corner to provide additional screening.

Skelly said we need to stick to current plans and the substance behind our ordinances. He doesn’t have a good solution for the dumpster enclosure. He wants to see additional landscaping to wrap around the side of the building.

Runschke agrees with David's comments about landscaping. She wants to uphold the dumpster enclosure requirements.

Howland shared a photo of the back of the shopping center. Howland asked Hendrick if she needed a dumpster. Hendrick said a hand cart should be sufficient. Howland suggested that a 2-sided wall be constructed off the building to provide screening from two directions.
McLaughlin said that landscape improvements would be better handled as a holistic approach in the future if the shopping center is updated.

Grimes is concerned about planting trees under the power lines. He looks forward to the possibility of Hendrick purchasing the building and refreshing the site. He finds this location to be appropriate for a provisioning center.

Galligan accepts the landscaping as proposed. He would prefer using hand carts and construction of an attractive masonry wall.

Beighley’s concern about the dumpster has been addressed.

Ellingboe understands the challenges of landscaping the area more than proposed. He would like consensus on landscaping from the commissioners.

Westbrook is not in favor of planting trees under power lines. He accepts the plan as proposed. Skelly suggested looking at shorter trees under the power lines. Howland said she would coordinate the approval/selection of the trees with the BLP. Westbrook and Runschke would like to see the proposed landscaping extended to the east in coordination with the BLP. McLaughlin doesn’t see the need for additional landscaping.

Owens asked for clarification on landscaping. Howland reminded the commission of the special use standards for buffering residential uses. Hendrick placed the screening to shield an unattractive back wall from view. She doesn’t anticipate any activity along the east end of the building. The back door will be the delivery entrance.

Beighley and McLaughlin don’t see the need for additional landscaping. Owens asked for clarification on the special use standards. Howland summarized the special use standards and encouraged the planning commission to be consistent. Skelly, Runschke, and Westbrook supported staying consistent. Hendrick does not object to adding landscaping.

Grimes doesn’t find trees to be an adequate buffer. He suggests spruces or arborvitae as long as BLP is involved in the review. He wants to stay consistent.

Motion by Grimes, seconded by Runschke, to approve the special land use permit carried unanimously by roll call vote with the following condition:
1. Handcarts will be used instead of a dumpster.
2. Add landscaping from the west edge of the unit to the southeast corner of the property. Trees must be approved by the Board of Light & Power due to the presence of overhead power lines.

Case 20-30: A proposed text amendment to Section 40-423.03.A to allow property owners to install temporary sandbags in the Beach Overlay District during periods of extreme high water.
Howland provided an overview of the proposed text amendment.

Ellingboe opened the public hearing. There were no comments.

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

Skelly asked about a formal mechanism to ensure removal and asked about durability of the tubes. Howland said they are designed to last for several years but the permit is temporary.

Ellingboe expects the homeowners to have a coordinated removal rather than piecemeal.

Motion by Skelly, seconded by Runchske, to recommend approval of the proposed text amendment carried unanimously by roll call vote.

**Case 20-20: The Planning Commission will discuss and consider setting a public hearing for a proposed amendment to the approved landscape plan at Grand Landing Planned Development.**

Howland provided an overview of the request.

Stephanie Allaire, Kevin Tuuk from City Farmer and Kelly Larson of Sweet Temptations were present.

The remaining trees on site will stay. They propose to add 7 pear trees to the site after removing 17 spruce trees.

Westbrook asked why they aren't replacing the trees at a 1:1 ratio, especially since it is the entrance to the city. Allaire said it is due to cost. Skelly asked about size at time of planting. Tuuk said they would be 2 inches in caliper, with a height around 12 feet tall at time of planting. They will reach 25 feet and will be more of a conical shape. Tuuk said the trees were removed because the metal cage was never removed, so the tree roots wrapped around the cage and died. Kevin chose the pear to improve visibility for businesses. Skelly asked about the responsibility of owners to replant and maintain. Howland said it is the responsibility of current and future owners to maintain approved landscaping.

Larson has been a proponent of getting the area cleaned up. She is happy with Waveland as a property manager. She prefers nice looking landscaping that is affordable and easy to maintain. She likes the Miller Drive trees and thinks the pear trees will mimic it. She would appreciate grace and time to bring the property up to a higher standard. Larson serves on the association board.

Runchske suggested a replacement plan in phases to help with costs.

Owens asked about whether a phased approach was acceptable, and whether the applicant would be required to come back to the Planning Commission for replanting. Howland said that they need Planning Commission approval because the applicant is requesting a change and reduction.

Runchske asked about spacing requirements. Kevin Tuuk would prefer to wait 4-5 years to determine what the land could support. Howland asked Tuuk to explain why he chose the pear trees and asked if they were invasive. Tuuk said they look nice in Spring Lake and they are not invasive.

Grimes asked Tuuk to explain why he created the proposed plan. Tuuk said the plan will provide nice looking landscaping that provides visibility to businesses.
Galligan thinks there should be more trees. He asked if they have received a penalty. Howland said that she doesn’t believe they have received a citation because they have been promptly responding to the notice of violation.

Beighley would like to see more trees. He would support a phased approach to planting over time.

Ellingboe suggested that a longer term plan be developed with a phased approach. He also asked about whether the remaining birch and pine trees would be preferred to swap out for other species.

Allaire likes the idea of expanding the plan and phasing it would help with budgeting. The types of trees are up for discussion for future planting, whether they be more pear trees or other species.

Motion by McLaughlin, seconded by Beighley to schedule the public hearing for January 12, 2021 carried unanimously by roll call vote.

Case 20-33: The Planning Commission will discuss and consider setting a public hearing for a proposed amendment to the Grand Plaza Planned Development to add MedicalMarihuana Provisioning Center, Medical Office, and Professional Service Establishment to the permitted uses and to review the proposed Special Land Use Permit application for a Provisioning Center located on vacant property on Jackson Avenue (parcel #70-03-21-199-021).

Howland provided an overview of the request and process.

Rebecca Neil, applicant, was available to answer questions.

All members felt that the request was ready for a public hearing. Ellingboe said that traffic on Jackson will be a discussion topic. McLaughlin asked if a traffic study should be required by the Planning Commission. Howland stated that the Planning Commission can require a traffic study but they should do so soon if they expect to do so. Ellingboe doesn’t want to delay the project, but a traffic study at this time of year or even this past summer would not reflect the typical traffic patterns of the area. Ellingboe doesn’t necessarily feel that a traffic study is warranted, but the Council should consider reviewing traffic in this area as a whole.

Motion by Grimes. seconded by Runschke to schedule the public hearing for January 12, 2021 carried unanimously by roll call vote.

Case 20-35: The Planning Commission will discuss and consider setting a public hearing for a request for a Special Land Use Permit to operate a short-term rental located at 69 Poplar Ridge (parcel #70-03-29-323-007).

Howland provided an overview of the request. Applicant Stephanie Stano was available to answer questions.

Renschke asked for the parking space size to be verified prior to the public hearing. McLaughlin asked about Bedroom #2. Howland said it is not a legal bedroom because it is less than 70 sq. ft. in area.
The members all said the request was ready for a public hearing. Ellingboe recommended that the applicant provide information about local management of the short term rental and likes the presence of a homeowners' association.

Motion by Grimes, seconded by Owens to schedule the public hearing for January 12, 2021 carried unanimously by roll call vote.

**Case 20-26: At the applicant's request, the Planning Commission will continue its discussion regarding the application for a Rezoning Agreement for 319 South First Street from S, Southside District to WF-2, Waterfront 2 District to allow Multi-Family Dwellings on the property.**

Howland provided an overview of the request. Steve Davis thanked the commissioners for the opportunity to meet with them again and gather additional feedback. He is asking specifically for feedback on the proposed use and would like to skip the discussion about the details of elevated setbacks, etc. due to the late hour.

Westbrook said that there is a market for smaller homes. The neighborhood’s concern about the downtown creeping into the neighborhood is still present, but he likes the proposed project. He expects there will be general concerns from the public about creeping into the neighborhood.

Skelly said it's an interesting project and appreciates Davis' tenacity to gather more feedback. Southside residents have been most vocal in the zoning ordinance update, due to the transition of the neighborhood for the better over the years. This is a very busy area especially in the summer. Adding additional cars and people is a concern, as well as the potential changes from the zoning ordinance update.

Runschke appreciates reviewing it again. Her biggest struggle is that it may not be the appropriate property for this project. It doesn't seem consistent with what we are projecting for the future. She wants to maintain the buffer between low to moderate density residential and the waterfront. Owens agrees. She wants to avoid the appearance of spot zoning, and it doesn't seem to be the right place for this type of development. McLaughlin agrees. He can't support something that creeps into the Southside District further. He thinks the Council is sending the commissioners a clear message by sending the proposed ordinance back to them for review.

Grimes said that spot zoning is when there is a gap, so he doesn't see it as a spot zoning issue. He likes the proposal because it will be well done. They will appear to be stand-alone units along First Street. Grimes believes that what Davis is proposing will be better than what another developer could propose. He thinks the parcels to the immediate north would also redevelop similarly.

Galligan likes the plan but understands the Southside District concerns. He doesn’t think rezoning is the solution for this site.

Beighley likes the looks of the project but has limited knowledge about rezoning so he will defer to the other commissioners for now.

Ellingboe used to live in this area. He sees several two+ unit dwellings in this immediate area.
He encouraged Davis to attend the December 15th public meeting to watch how the zoning ordinance discussion plays out. He doesn’t see it as intrusive into the neighborhood, as it is on the edge.

Davis is not sure if the density is too great. They will look like single family dwellings. Each unit will have a two-stall garage, so there shouldn’t be additional parking on the street. He doesn’t see this as spot zoning. He evaluated the number of parcels in Southside and believes there are roughly 7 parcels eligible for multifamily development.

This project will go for a public hearing on January 12, 2021.

**Case 20-32: A site plan review for a building addition and site improvements at 133 Washington Avenue (parcel #70-03-20-405-020 and -022).**
Howland provided an overview.
All commissioners were comfortable with the proposal and staff’s recommended conditions.

Motion by Grimes, seconded by Runschke, to approve the Site Plan with the following conditions:
1. The two lots must be combined for zoning and building code reasons.
2. An encroachment permit will be required for the lights, projecting sign and awnings on the south elevation.
3. The Historic Conservation District Commission must approve the building design prior to issuance of a building permit.

**Case 20-31: A retroactive site plan review for a parking lot expansion and truck loading area at 1500 South Beechtree Street (parcel #70-03-27-355-002).**
Howland provided an overview of the project.

Steve Witte with Nederveld represented the request. They chose gravel because they have heavier trucks, it’s easier to maintain and helps with storm water management. The landscaping and large building protects the gravel from wind and potential for dust creation. The driveway approach to Eaton Drive is paved. He also noted that the evergreens on the berm are new and will grow, but if additional trees are required, GHCM will plant them. They will also verify that the gravel will support a fire truck per staff’s request.

Westbrook said we have a paving requirement for a reason and it should be paved. Landscaping should be added to the berm.

Ellingboe asked if the Planning Commission has leeway to allow gravel. Howland said no, except for approved storage areas. She also clarified that it is the Planning Commission’s discretion to determine what areas would be approved for storage.

Skelly wants it paved and additional screening on the berm.

The applicant described a proposed 30-foot-wide area that could be paved and gave some information about what areas are used for storage. They also indicated that 120 feet is the minimum area to maneuver a truck and trailer.

Howland suggested that a revised plan be submitted and reviewed at the January 12, 2021 meeting.
McLaughlin has concerns about the storm water management if the site is paved.

Galligan wants information about storage and the company’s plan for the use of the site to inform the required areas to be paved.

Beighley wants to see more landscaping on the berm and looks forward to seeing it next month.

Ellingboe stated that new storm calculations may need to be done, and they would like to see those.

Motion by Runschke, seconded by McLaughlin to table the request to January 12, 2021 passed unanimously on roll call vote.

Case 20-34: A sketch plat review of a proposed major subdivision called Robinson Landing, a 32-unit single-family residential development on the north side of Comstock Street (parcel #70-03-34-200-042).

ZBA Liaison’s Report
Dean DeKryger (architect and design/build contractor) and Bruce Callen of Callen Engineering (civil engineer) represented the applicant. DeKryger gave an overview of Michigan Community Capital, a nonprofit development company. The homes will be a mix of 2 and 3 bedroom homes. Detached garages will be an option. There will be market rate and low/moderate income homes.

Bruce Callon said that he is working through utility connection details. All lots meet MDR requirements. There will be a 66-foot-wide right-of-way for the new public streets. They are coordinating where possible with potential development to the north. DeKryger hopes to start construction in Spring 2021. Their hope is that the development to the north will provide a secondary access and thus avoid the requirement for fire sprinkling.

All commissioners were looking forward to the project moving forward.

Skelly asked Howland if these would be eligible to be long term rented. Howland said yes, although the income restricted homes likely would not be rented.

DeKryger clarified that the road leading to the north would be the connection to the potential development to the north. He described the potential fire sprinkling design, which can be run off of the domestic line. It can add $2,000 to $4,000 per house. He believes the phasing and future development to the north will mean they can avoid installing sprinkling. The pro forma is very tight, with an estimated $12,000 profit overall. Their goal as a nonprofit is to break even.

Beighley asked for clarification on the number of affordable units. DeKryger said that is still pending, with the goal to break even.

Ellingboe pointed out that the City should be planning for additional expenses related to additional public infrastructure.

Motion by McLaughlin, seconded by Grimes to approve the sketch plat passed unanimously by roll call vote.
Zoning Board of Appeals Liaison Report
At the November meeting, the ZBA approved additional sand bags on North Shore Drive, disapproved a pergola on Butler Street, and approved curb cuts next to Robinson Landing.

Community Development Manager’s Report
Howland reminded the Planning Commission about the December 15th special meeting to discuss the zoning ordinance update.

Call to Audience – Second Opportunity
Melanie Riekels, 619 Lake Avenue, questions whether it is in the best interest of the community to place a provisioning center at 401 N 7th St. She feels many people abuse marihuana and the need is not here.

Adjournment:
Motion by Runschke, seconded by Skelly, to adjourn was unanimously approved by roll call vote (McLaughlin lost his connection and was not present for this final vote). The meeting adjourned at 10:58 p.m.

Jennifer Howland
Community Development Manager