

CITY OF GRAND HAVEN  
GRAND HAVEN, MICHIGAN  
PLANNING COMMISSION MINUTES

March 8, 2022



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

Present: Debi Hulverson, Mike Dora, Andrew Alt, Ryan Galligan, Magda Smolenska, Tamera Owens, Chair Robert Grimes

Absent: David Skelly, Eric Inlaw

Also present was Jennifer Howland, Community Development Manager

**Approval of Minutes**

Motion by Dora, seconded by Galligan, to approve the February 8, 2022 minutes was approved unanimously by voice vote.

**Call to Audience – First Opportunity**

Sheila McNally, 100 Franklin Ave, is against the sale of marihuana for several reasons. She noted that litigation costs are high and referenced other communities and lawsuits, as well as financing of New Standard by Kevin McLaughlin during his campaign. We can't prevent lawsuits if we pass the adult use ordinance.

Landon Bartley, 40 Pearl NW Grand Rapids, is a former city planner administering ordinances in Grand Rapids. As far as land use goes, cannabis has very few land use impacts. He supports Grand Haven cannabis use. It is good for existing businesses and will generate tax revenue.

Leslie Wyland, 266 Suncrest Ct, Grandville operates a cannabis testing laboratory to ensure products are safe. She said that this is not a moral discussion anymore; it is legal to use. He said that we should not promote big tax benefits at the cost of local business owners. The licensing fees that the state accumulates is hindering local business owners. Give local business owners a chance now before the federal government legalizes it.

Rachel Vandenbosch, 220 S Eastern Ave said that New Standard's inventory is running out at the end of the week. Products are coming into the community regardless of whether the city passes the ordinance or not. It would be more beneficial to allow sales in the City for tax benefits.

John Siemion 1535 Beechtree Commons, uses marihuana for medical purposes. He supports allowing adult use marihuana sales.

Aaron Smith, 491 Nathans Way and New Standard, has offered to give a tour of their stores. He noted three options for the ordinance: merit based, first come first served, or zoning based with buffers. The third option is used by Grand Rapids without issue. He is supportive of what is being proposed.

Maryann McNally, 11 Howard Ave said that the City has no legal opinion at this time. People

aren't addressing the amount and cost of lawsuits. The City Council is not willing to get a legal opinion. She urged the Planning Commission to request a legal opinion.

Mark Bancuk 810 S Hopkins is totally against recreational marihuana. He asked if the City has talked to other communities about their experiences, and asked what Chief Hawke's opinion is. He wonders if the number of facilities can be limited. He doesn't like it in the downtown, boardwalk, waterfront or Jackson. If it is to be allowed, it should be allowed in a specific part of town. He doesn't want to smell marihuana downtown and on the beach. He doesn't want the Planning Commission to let the revenue issue sway their decision.

Josh Brugger, 626 Slayton Ave said that issues brought up this evening should be addressed to City Council, not the Planning Commission. The Council should have decided to allow it and then directed the Planning Commission to make recommendations on land use standards. The Planning Commission is an appointed body.

Chair Robert Grimes noted that it is not the Planning Commission's job to decide whether marihuana is going to be in the City. What the Planning Commission will do is decide where it should be (if it is approved to be sold). It's the City Council's choice, or the citizens via a petition, to decide whether it should be sold in the City.

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**Case 22-04: A lot split application for 824 Lake Avenue to split two residential lots off from the parent parcel (parcel #70-03-29-230-045).**

Howland provided an overview of the case.

Galligan said that he usually supports increases in density, but this part of the MDR District is completely different than eastern side of town. This property should be in a different zoning district.

Alt asked about the impact of the zoning ordinance update on this case. Howland stated that these lot sizes have been permitted since 2007.

Hulverson asked the applicant about the existing retaining wall. Mark Wierenga, realtor for the owner, said that the walls are pinned into the hill and have been breaking up slowly over the years. Lots of people have wanted to split the property into 6 parcels. The seller wants to maintain the house and tried to sell the property as one piece for almost a year without success. The family wants to maintain the property and look of the neighborhood as much as possible. There are a few large lots in the neighborhood and the rest are normal size. The house is under contract; the lots are for sale. The buyer of the house wants to keep the retaining wall in front as is. Both neighbors to the north have graded away the front slope.

Hulverson asked if the proposed northern lot could be split further. Howland said no because it wouldn't meet minimum lot area requirements. The remainder parcel with the house could be split further.

Dora said that it is unfortunate that larger lots disappear but he understands the reasons for the proposal; splitting the property makes sense and the MDR District allows them to do that.

Grimes said that the proposed corner lot really concerns him. Splitting the property into two parcels would be more in character with the neighborhood. Wierenga has seen house plans

that would fit on the corner lot and complement the neighborhood.

Owens asked if setback averaging would apply. Howland said that its only applies when someone wants to be closer than the district minimum setback.

Howland reviewed the suggested conditions for approval. Owens noted that given grading of the front yards up the street, it isn't necessary to require that existing grades be maintained.

Motion by Owens, seconded by Dora, to approve a request from Kennard Creason, executor of the Mary R Creason Trust, for a lot split of 824 Lake Avenue, parcel #70-03-29-230-006, into three (3) residential lots as shown on the certificate of survey, with the following condition(s):

1. Public sidewalks must be maintained along Lake Avenue and Woodlawn Avenue.
2. Street trees must be installed subject to DPW approval.
3. Future driveways will require approval from the Public Works Department and compliance with the Zoning Ordinance.
4. The water service serving the house at 824 Lake Ave must be relocated because it crosses proposed Parcel B.
5. Approval of this lot split does not constitute a pre-approval of any future homes on the lots.

The motion carried on the following roll call vote: Ayes: Hulverson, Dora, Owens, Smolenska. Nays: Alt, Galligan, Grimes.

**Case 22-05: A site plan review and sensitive areas overlay review for a building addition at North Shore Marina, 18275 Berwyck Street (parcel #70-03-20-300-011).**

Andrew Rossell, AR Engineering provided an overview of the proposed expansion to the existing boat storage building at North Shore Marina. The freestanding building will be demolished and replaced with a 29,830 sq. ft. addition. A variance was granted in 2021 for side and rear setbacks. The plan has since been revised per fire marshal requirements, and setbacks have been increased. They will maintain the same roofline of the building, which has a 38-foot height as measured at the front building line to the west.

Motion by Dora, seconded by Galligan, to approve a request for a sensitive areas overlay review and site plan review for a building addition at North Shore Marina, 18275 Berwyck Street (parcel #70-03-20-300-011), based on the information received and subject to the following conditions:

1. The fire marshal must approve the revised plans prior to issuance of any permits.
2. The Public Works Department must approve the storm water management plan prior to issuance of any permits.

The motion carried unanimously on roll call vote.

**Case 22-03: Pre-public hearing discussion for a special land use permit and site plan review for a Contractor's Establishment located at 745 Park Avenue (parcel #70-03-28-153-010).**

Howland provided an introduction to the case.

Applicant Chris Wilson, CB Wilson Construction is planning to have an office, woodshop, and storage with parking in the back. Work vehicles would be parked inside. Parking in the back

would be for employees; there are not normally customers on site. He wanted to place solid fencing around the property instead of landscaping. He has received letters from neighboring residents in support of fencing instead of just landscaping. He noted that providing landscaping would make the site tighter.

Smolenska said that there is room for landscaping and parking; it is not a hardship to provide it. Fencing could be in addition to landscaping. If the Planning Commission approves a waiver, it could impact other projects requesting the same. Others have been denied similar requests in the past.

Galligan said the project fits in with the neighborhood and that landscaping should be provided.

Wilson wants a wider drive aisle for trailers. He'll look at adjusting the dimensions.

Dora asked about staging areas for materials. Wilson said materials will not be stored on site, and if they are, they will be kept indoors. The bay on the far left will be a wood shop. The middle two will be contractors shop and the third will be long storage. He may want to lease space to others in the future. Howland said that if parking for other users is similar in demand, it's not likely an issue. She also noted that private warehouse/storage would need to be sold to the user because leased storage (self-service storage) is not permitted in the TI District.

Dora noted street parking is available and asked where snow would be stored. Wilson said he'd put it in the front yard. Dora is open to allowing a fence across the back and partway up each side and landscaping the remainder of the way toward the south/front of the property.

Alt asked about dumpsters. Wilson said that they sometimes have a dumpster or dump trailer on site for short periods of time but it's usually dropped off at the job site. Alt would prefer to see landscaping along the northern property line.

Wilson will make changes to the plans in preparation for a public hearing in the future.

**Case 21-42: The Planning Commission will review proposed amendments to the Zoning Ordinance concerning residential density (lot area, width, setbacks, two-unit dwellings) in certain zoning districts.**

Howland provided an overview of the proposed text amendments. The commissioners were supportive of the proposed amendments, citing that they would protect the character of the neighborhoods and avoid overdevelopment of some lots. Smolenska was indifferent to the proposed amendments and noted that floor area changes were more significant but weren't proposed for amendment. Galligan does not feel that the amendments are warranted.

The Planning Commission directed Howland to schedule public hearing.

**Case 22-01: The Planning Commission will review proposed amendments to the NMU, Neighborhood Mixed Use District concerning side yard setbacks and number of stories for nonresidential uses.**

Howland provided an overview of the proposed text amendments. The commissioners were in agreement that the amendments are reasonable. They directed Howland to schedule a public

hearing.

**Case 21-52: Proposed text amendments to Sections 40-201, 40-331, 40-411.02.B, 40-413.02.B, 30-413.03, 40-414.02.B, 40-415.02.B, 40-416.02.B, 40-417.02.B, 40-419.02.B, 40-420.02.B, 40-543a of the Grand Haven Zoning Ordinance to regulate recreational (adult use) marihuana retail facilities.**

Grimes explained that the Planning Commission's job is to focus on land use, not debate whether adult-use retail sales is appropriate for the City.

Howland provided an overview of the proposed text amendments.

Galligan and Owens support requiring a 2,500-foot buffer from other provisioning centers and adult-use retailers. Dora also suggested prohibiting it in the CB District. Smolenska supported that.

Hulverson asked about whether smell was a concern. Howland explained that the regulatory ordinance had ventilation requirements.

Alt asked why the regulatory ordinance wasn't developed first. Howland explained that the City Council would consider both the zoning ordinance and regulatory ordinance at the same time.

Owens expressed concern that allowing adult-use retailers may eliminate provisioning centers where some customers feel more comfortable shopping.

Dora stated that the medical business is falling off because adult use retailers are now in the area. Would people not be able to use their medical card in an adult use retailer? Aaron Smith stated that some facilities hold both licenses. Howland said she could ask that it be considered in the regulatory ordinance.

Hulverson and Smolenska asked if the 2,500-foot buffer could be expanded in the future. Howland stated that it could, but that it's possible that nonconforming uses would be created if the buffer were later expanded. Grimes noted that the City Council could amend the proposed ordinance after the Planning Commission made its recommendation.

Motion by Galligan, seconded by Owens, to recommend APPROVAL of the proposed text amendments, with the following adjustments:

1. Provisioning centers and adult-use retailers will have a 2,500-foot buffer placed around them.
2. There will be no marihuana establishments permitted in the CB, Central Business District.
3. This recommendation is pending City Council approval of adult-use retail sales.

The motion carried on the following roll call vote: Ayes: Hulverson, Dora, Owens, Smolenska, Galligan. Nays: Alt, Grimes.

### **Zoning Board of Appeals Liaison Report**

At the February meeting, two variance requests were approved: 612 Ohio Avenue (lot coverage) and 3 Windrift Drive (rear yard setback).

### **Community Development Manager's Report**



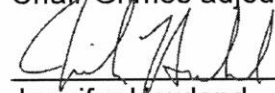
The next meeting of the Master Plan Steering Committee will be held on Tuesday, March 15<sup>th</sup> at 7pm at the Community Center. A community survey has been launched to gather citizen input for the vision and goals of the master plan.

**Call to Audience – Second Opportunity**

Leann Goodin, 1346 Taylor Ave asked if there are land use buffers for liquor stores. Howland said the City doesn't have any buffers. Grimes said that there are State regulations in place.

**Adjournment:**

Chair Grimes adjourned the meeting at 9:14 p.m.



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Jennifer Howland  
Community Development Manager