



**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES**

April 9, 2024

A regular meeting of the Grand Haven Planning Commission was called to order by Chair Dora at 7:00 pm. Upon roll call, the following members were present:

Present: Tamera Owens, Magda Smolenska, Chair Mike Dora, Vice-Chair Ryan Galligan, David Skelly, Amy Kozanecki, Joe Pierce, Dan Borchers

Absent: Jennifer Smelker

Also Present: City Planner Brian Urquhart, Mayor Monetza, City Manager, Ashley Latsch, and members of the public.

Approval of Minutes

Motion by **Kozanecki**, seconded by **Skelly** to approve the minutes of March 12th, 2024 meeting. All ayes.

Motion passes.

Approval of Agenda

Motion by **Galligan**, seconded by **Smolenska** to approve the agenda. All ayes. **Motion passes.**

Call to the Audience; First Opportunity

None

New Business: Case # 24-13 Site Plan Review of Oxygen System replacement for Trinity Health Hospital at 1309 Sheldon Rd. (parcel #70-03-29-426-015)

Urquhart introduced the case. Trinity Health Hospital submitted a site plan application for the replacement of the oxygen tank system located on the northeast corner of the campus at 1309 Sheldon Rd. (parcel #70-03-29-426-015). An oxygen tank is a permitted accessory use in the OS – Office Service District and the proposed change would require detailed site plan review by the Planning Commission per Sec. 40-115.02.B. Trinity Health will be removing and replacing the oxygen tank system and surrounding landscaping at the current location near the corner of the property. The reasons for the upgrade are the oxygen tank system has reached the end of its life cycle, the system is inadequate for the future projected needs of Trinity Health, the current bulk tank system does not comply with current life safety requirements, and does not meet the required back up capacity.

The replacement oxygen system will be installed in the same general location. As shown in the 3D view on Sheet C2.0, the primary oxygen tank is approximately 25'9" tall and 9' in diameter. The secondary oxygen

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tank is approximately 15'9" tall and 6'6" in diameter. Also shown is a 15'8" tall primary vaporizer, and a 12"8" tall secondary vaporizer. The vaporizers are required as part of the update to the system. Sec. 40-322 requires mechanical equipment must be screened. Sheet C1.0 shows the existing cedar trees that currently provide screening will be removed. The current trees are not in the best health. The applicant is proposing an enhanced landscaping plan around the oxygen tank, including evergreens, shrubs, and ground cover. A 6' tall powder coated metal decorative fencing is shown to provide screening of the mechanical equipment. The landscape plan satisfies the ordinance for screening.

The parking spaces adjacent to the oxygen system will be removed. The new oxygen system will be protected by bollards surrounding the enclosure. The 5 existing parking spaces located to the south will remain. No lighting changes will take place, and existing drainage patterns will remain.

Urquhart added one of his main concerns was regarding the system emitting any additional noise, vibration, odor, or other potential nuisances to the nearby residential uses across the street. The applicant has confirmed it would not.

Urquhart stated this was a necessary accessory use upgrade that requires Planning Commission Approval for the Hospital to continue the operation to function at its best capacity.

Mark Reenders, Facility Director for Trinity Grand Haven was present. He stated currently semis are coming into their facilities and filling the tanks every week to a week and a half causing traffic issues. With this upgrade, they are projecting it will now take two to three weeks to go through the oxygen, which will also help alleviate some of the traffic issues surrounding the semi-truck frequency. There will also be no change to the semi will be parked on the cement pad during the process of the tanks being filled. Mark continued stating the Design Engineer was also in the audience to help answer additional questions the Commission may have.

Chair Dora opened the floor for questions to fellow commissioners.

Owens asked for a comparison of the current tank to which Reenders responded stating it was eighteen feet tall and seven feet in diameter. Owens continued and stating while it wasn't a requirement, a six foot shrub against a twenty-six foot tall tank seems to be a little short in comparison. A suggestion was made to plant taller shrubs to begin with. Owens also mentioned the understanding of the upgrade regardless.

Vice- Chair Galligan did not have any additional questions or concerns.

Skelly asked if any changes were going to be made to the infrastructure below grade.

Reenders stated that all the electric and communication for the tank is already existing with the current tank. There is currently a two inch think line that runs to the hospital that will remain the same. Currently, the electrical is located too close to the tank. The line will be spread out which means conduit will be added to accommodate the move of the electrical and run the two inch copper line further. Skelly also inquired about fencing ensuring there was a gate and lock. Reenders confirmed there was a locked gate and the only one with a key is Prexair. Skelly also voiced his concern regarding the screening and would like to see trees around the perimeter.

Kozanecki also shared sentiments regarding the screening. With the current shrubbery, you do not see the tank; however, with a twenty-five foot cylinder and six foot trees, the tanks will be noticeable. She stated

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that while the commission can't require it, any additional trees planted to help hide the tanks would be helpful. Reenders agreed and mentioned conversations he's had with the CEO about the need for additional landscaping. He also voiced his desire to see new landscaping and had hopes it could be done soon.

Pierce spoke stating he also shared concern regarding the fencing but appreciated the density of the fencing in addition to the trees and shrubs there will be.

Borchers addressed his concern about saving the trees that are currently in place. Reenders spoke stating the existing trees are too close and too wide for the new tank. According to the NFDA, the trees have to be a certain amount of feet away from the fencing. When the new tank is installed the trees would be pushed back into the fencing line leaving no other option. The tall trees from the intersection down Sheldon will remain. The new landscaping will cover the bulk of the north side of the tank.

Chair Dora stated he also had similar concerns, but felt they were addressed. And shared his desire for additional trees to be considered in the landscaping plans.

Motion was made by **Smolenska** and seconded by **Vice Chair Galligan** to APPROVE Case 24-13, a site plan review application for the replacement of the oxygen tank system at Trinity Health Hospital at 1309 Sheldon Rd. (parcel #70-03-29-426-015) with the following condition(s):

- 1. All mechanical permit and inspections must be completed.*
- 2. Applicant shall provide storm water calculations as required per the Dept. of Public Works.*

Roll call vote. Yeas: Owens, Smolenska, Vice-Chair Galligan, Skelly, Kozanecki, Pierce, Borchers, Chair Dora
Nays: None. **Motion passed**

Old Business: Case # 24-14 Zoning Text Amendment: Continued discussion of Child Care Centers in I – Industrial District

Urquhart introduced the case. At the March 19th special meeting, the Planning Commission heard a presentation from Shape Corporation in partnership with Outdoor Discovery Center for a daycare center at their facility at 16444 Comstock Street. After discussion, the Planning Commission agreed the need for child care is high, and large employers require reliable child care to attract and retain employees, therefore allowing a commercial child care center in the I – Industrial as Special Land Use is an appropriate action. Child Care Centers are permitted by special land use in the MFR, S, E, OT, NMU, OS, C, and B districts, but are not permitted in the Industrial District at all. At the last meeting, staff determined an outdoor based child care center could be classified as a lawful accessory use to the principal industrial use, provided the center provides child care for employees, or a majority thereof, and is not exclusively available to the general public. However, the Planning Commission determined the need for child care would remain for more companies than just Shape Corporation, and a text amendment would be necessary.

Urquhart also mentioned that in a previous request, they were looking at splitting the lot and rezoning into office service. However, it would be difficult from a spot zoning perspective.

Below are a few options to consider. The list is neither exhaustive nor exclusive:

Option 1

Sec. 40-518 details the special land use standards for a childcare facility. The city could simply amend Sec. 40-420.02.B to add Child care center as special land use in the Industrial District, and recommend no changes to Sec. 40-518.

Option 2

Subsection A of Sec. 40-518 could be amended to include the following:

A. Child care center: A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A child care center or daycare center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, daycare center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Allowed in the industrial (I) zone as a special land use typically located within 500' of a host manufacturing facility. Childcare center or daycare center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve-month period.

2. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

Sec. 40-420.02.B could also be amended to include child care centers as a special land use, with a note indicating a child care center must be located within 500 ft. of a host manufacturing facility.

Section 40-402.01 Table of land uses could be amended to include:

*** When located in the Industrial zoning district (I) as a special land use it is the intent that the Child care center will primarily provide a service for a manufacturing host and not as a traditional stand-alone child care center.

Option 3

Staff was tasked with research into the Gentex child care project in Zeeland Charter Township. After communicating with Zeeland Township officials, the township approved a site plan for a daycare center in March 2023. According to Sec. 10.02 of the Township zoning ordinance, a child care center is permitted in the I - I-Industrial District, provided "*where such use is incidental and accessory to the primary use.*" Township officials indicated the daycare center would be open to only Gentex employees and their children ages 0-5, and located in a 50,000 sq. ft. building. In the event of a vacancy, Gentex employees would receive the first option to fill the spot. These details were not documented in any meeting minutes or agreement between the Township and Gentex.

Urquhart also commented that it was a broad interpretation.

This approach is very similar to the staff's original interpretation of an accessory use in the Industrial District but was codified within their zoning ordinance. It may prove challenging to define what "clearly incidental and accessory to the primary use" is from an administrative and regulatory context.

This approach also may limit the opportunity for the city to provide adequate locations for child care centers as demand for child care remains high.

Other Options

The discussion can certainly lead to other options for draft language for the zoning text amendment. Careful consideration should be taken into account on language that balances the need for child care, but not creating incompatible uses in the Industrial District.

The goal is to have this refined and possibly a public hearing at the end of this month for the language as a requirement in the Michigan Zoning Neighborhood Act. It will then go to council shortly after.

Chair Dora thanked Urquhart for the effort in getting the options out in advance for the commissioners to review.

Borcher spoke about the uniqueness of Comstock and the parcel itself, as it's not in a typical industrial area. He continued by stating his concern was about the employees pulling in off Comstock, dropping off, and then having to pull back out onto a busy road and addressing the safety. Additionally, he felt concerned with the limitations of industrial development. Regarding the language option, and asked for clarification.

Urquhart explained the first option is to add text to the section that lists what a special land use in the industrial district. Starting a childcare facility would be permitted via a special land use permit in the industrial district. The corresponding standards for a childcare center according to section 40-518 will remain the same. The other option amends the childcare center as a special land use in the Industrial District with corresponding tables but emphasizes that a childcare center must be located within 500 feet of the host manufacturing facility. It would then be noted in various other sections telling the reader where the center would be permitted in the Industrial District. The last option would say the childcare center was permitted as an accessory use similar to the example of Zeeland Charter Township, but it must be clearly intentional to the primary use. When Urquhart spoke to Township officials, it was mentioned they left it vague for a reason. The main idea is to establish this as a use, but are the standards remaining the same or allowing a different set of standards to be applied. Ultimately the decision is to allow the use, and how do we want to allow the use- a permitted use, as an accessory, or is it a special land use? Urquhart felt that those special land uses would be the best option. It would allow the business to be a stand alone use and not have to be tied into principal. When you have an incident, it becomes a little more challenging to regulate.

Char Dora, offered Borchers the opportunity to review and come back to discuss.

Pierce had questions in regards to the requirement of a childcare center's goals, and the outdoor areas as referenced in subsection two of B. Urquhart commented stating it was a state requirement so the standard would still apply. Pierce also voiced concern about option 2 in regards to what would happen if the industrial host were to leave and how that would impact the requirement of having a host facility with the 500ft requirement. Urquhart mentioned there would have to be a distinction of if the host was about the corporation or use. Pierce continued stating he was more in favor of option two with special requirements on how it is used. He stated that having it have a special land use is too broad and the extra requirements in option two would be best.

Kozanecki stated she was not in favor of option three due to the vagueness. She stated was more in favor of option two due to the fact it would be somehow tied to the host. Kozanecki was in favor of the concept

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of offering the childcare facility as a benefit for the company; however, she just had reservations about putting a stand alone childcare center in the the middle of an industrial zone.

Skelly was also not in favor of option three. He felt option two was the best course, due to the fact it was very cut and dry as fidelity needs to be present for this case. He wanted to bring clarification to the Industrial use with zoning meaning other things besides manufacturing could be present in that zone. He expressed throwing caution using the term manufacturing as it applies to a specific operational mode and changing the language to best represent the district. He also agreed with using the word host, as it would be a benefit to the organization's employees. If the company were to go out of business then the facility would also close and go with the company.

Discussion was continued between Kozanecki and Skelly regarding if the child care center would be attached to the physical building, or the company overall. If that particular Shape location were to shut down, what would happen to the childcare center?

Urquhart spoke stating the special land use can be transferred so the host could be changed. In the case of a location closing, the special land use ordinances include provisions stating the new host would assume the childcare facility.

Vice-Chair Galligan stated that he was not opposed to option two if the language was clarified; however, preference would be option one due to its clarity without added language.

Skelly asked about the negative implication if option one was the direction of the Planning Commission. Urquhart expressed that it would be the Planning Commission's discretion on whether or not the childcare center satisfies the standards for the Industrial district per Sec. 40-518. Urquhart also stated to consider in regards to option one to make sure inflicting incapable uses right next to each other. Urquhart also agreed that option one would be more agreeable.

Smolenska stated that she was in favor of option one as well due to its clarity. It would also allow for other manufacturing facilities nearby to take advantage of the child care center.

Owens joined in agreement and stated she was in favor of option one for the same reasons previously mentioned. She also liked that it could operate as a stand alone center to be opened that was close to other facilities that could benefit from it.

Chair Dora stated he was in favor of option one or two. He mentioned concerns fellow commissioners had previously. Both Kozanecki and Pierce stated that after hearing everyone talk, they felt more comfortable with option one due to the fact of the Planning Commission having more control, and the ability to limit the available area in the Industrial area.

Borcher also agreed stating after hearing the conversation he could see the merits of both option one and option two. However, he leaned more favorably towards option one.

Chair Dora summarized every commission was in agreement concerning option one. Urquhart summarized the current Sec. 40-420.02.B stating many provisions are already built in, and it would allow the commissioners to enforce various parts as needed and with discretion.

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Discussion was continued by Owens and Urquhart concerning limiting Industrial expansion due to the allowance of childcare centers. Urquhart mentioned it would have to be something considered the Planning Commission would have to decide on the compatibility. The site selection process anywhere would need to consider economic factors, traffic, and state requirements. Urquhart also brought up that there are already specified setbacks and requirements built into the Industrial district permitted uses.

Tuesday, April 30th is the next list 6:00 pm next meeting

Motion was made by **Smolenska**, seconded by **Pierce** to recommend option one Sec. 40-518 details the special land use standards for a child care facility. The city could simply amend Sec. 40-420.02.B to add Child care center as special land use in the Industrial District, and recommend no changes to Sec. 40-518. Schedule a public hearing for Tuesday, April 30th.

Roll call vote. Yeas: Owens, Smolenska, Vice-Chair Galligan, Skelly, Kozanecki, Pierce, Borchers, Chair Dora
Nays: None. **Motion passed**

ZONING BOARD OF APPEALS LIAISON REPORT

Kozanecki reported an approval for a variance for an open, unenclosed, and uncovered paved patio at 139 Prospect St. (parcel #70-03-29-105-042) a variance from Sec. 40-306.05 to allow an open, unenclosed, and uncovered paved patio to project greater than 50% into a required front yard in the DR – Dune Residential District.

There was also a denial of a request for a variance for an addition to an existing garage at 116 Howard St. (parcel #70-03-20-459-004) a variance from Sec. 40-301.02.B.3 to allow an attached accessory building to have an 8 ft. setback from the rear lot line in the MDR – Moderate Density Residential District. Kozanecki also stated there was a viable alternative to what was requested.

Pending a quorum the next ZBA meeting is set for April 17th, 2024.

CITY PLANNER REPORT

Chinook Pier RFP

The Chinook Pier RFP has been live since late January. The Planning Commission will be involved in the review of any submittals after the application period. The submittal deadline for the RFP is April 17th. The City will present the proposals to the Planning Commission at a regular meeting in May or June during the review period

Joint meeting with the Historic Conservation District Commission (HCDC)

No date has been set for a joint meeting with the HCDC. We hope to hear from the potential applicant soon.

April public hearing

As voted on earlier, it is anticipated to hold a public hearing at the end of April for the text amendment. Based on some outstanding items, the special meeting may include other actions items as well. Staff will keep the PC updated.

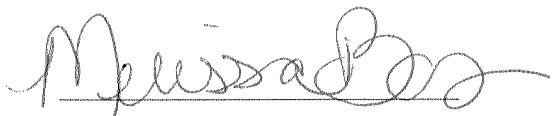
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Call to the Audience; Second Opportunity

None

Adjournment:

Chair Dora adjourned the meeting at 7:56 pm.

A handwritten signature in black ink, appearing to read "Melissa Bos".

Melissa Bos, Executive Assistant to the City Manager