

CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES

April 13, 2021

A regular electronic meeting of the Grand Haven Planning Commission was called to order by Chair Bill Ellingboe at 7:02 p.m. via Zoom. On roll call, the following members were:

Present: Collin Beighley, Ryan Galligan, Kevin McLaughlin (Orman Beach, FL), Tamera Owens, Kirsten Runschke, David Skelly, Mike Westbrook, Chair Bill Ellingboe (all other members were located in Grand Haven, MI)

Absent: Robert Grimes

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

Approval of Minutes

Motion by McLaughlin, seconded by Owens, to approve the March 9, 2021 and March 16, 2021 minutes was approved unanimously by roll call vote.

Call to Audience – First Opportunity *No comments*

Case 21-05: An application for a Special Land Use Permit for three Two-Unit Dwellings located at 319 South First Street, a property that has been approved to be split into three lots (parcel #70-03-20-454-004).

Howland introduced the case. Steve Davis was present to answer questions.

Chair Ellingboe opened the public hearing. Howland referenced four letters that were received in advance and sent to the commissioners in advance. Latsch read a letter submitted by Steve and Sara Prelesnik of 300 S First St via Facebook. Kirsten Prelesnik, 300 S First St, called in to state that her parents couldn't renovate their home at 300 S First St several years ago because it was a nonconforming 2-unit, so they converted it into a single-family home. Gayle Parmelee, 215 Howard Ave, posted on Facebook asking who changes the laws that impact their neighborhood. Joyce Cawthon, 50 Howard Ave, asked if they could guarantee that no short term renting would be permitted. Howland confirmed that the Southside District does not allow short term renting in this area.

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

Davis said the project meets all Southside restrictions. The proposed height of the homes is not affected by the existing retaining wall. Each dwelling unit has a 2-stall garage and plenty of parking. His proposed curb cuts help the concern about on-street parking by reducing the space for on-street parking, which is a good thing. Davis provided views of sight distances on Howard Ave from a safety standpoint.

Howland said that Public Works has approved the curb cuts and the fire marshal had no public safety concerns.

Beighley is not a big fan of how crowded it will be, but he was interested to hear from other commissioners.

Galligan said the design fits with the neighborhood. He prefers this proposal over rezoning to Waterfront 2. The lots meet the standards for the district. He likes the project going forward.

McLaughlin shares Beighley's comments. Density is way too much. He will not support this.

Davis stated that the proposal is the same size as 3 single-family homes. He stated that the density has apparently been approved by Public Works and the fire marshal. Two-units are allowed in the Southside District now. There is good distance between buildings and it will blend in well with the neighborhood.

Owens stated that the building design meets all of the considerations and regulations. It's a lot of building but it meets the code.

Runschke is torn. It meets all of the special land use requirements. She asked Howland what the minimum dwelling unit size is on the Southside District. Howland stated that it is 570 sq. ft. so the proposal meets that.

Skelly asked for confirmation that these 6 residences could be eligible for long term rental. Howland stated yes, and that each dwelling unit could be short-term rented for 3 times per year, as is the case with all certified long term rentals. Skelly asked Davis if the plan is to sell all units or to long term rent them. Davis stated that he will sell all units, and that he has many buyers lined up. Most will be year round residents. Skelly concurs with statements made by Beighley and McLaughlin; congestion and traffic will be an issue, especially in summer months. He stated that the applicant is meeting requirements but it is a lot for that corner – 6 residences. He will not support this.

Westbrook stated that density is a concern; with a lot of residents in a small area. The proposed design meets special land use requirements. He likes that the Historic Conservation District Commission approved the design; it demonstrates that they will fit in with the character of the neighborhood. It seems like a lot of residents in a small space, and he understands the neighbors' concerns.

Ellingboe is in support of the project. It's an increase in density but is not out of character with the neighborhood. There are multiple duplexes in the neighborhood. It's 3 separate lots. He would look at this as if just one of the lots were applying for approval. He believes this will alleviate on-street parking congestion because there will be less on street parking available.

Davis stated that although he is applying for approval of three duplexes at the same time, he doesn't think it would be an issue if they applied at separate times. It's a big lot and the proposal meets all of the requirements. If they weren't right next to each other, it probably would be supported more.

Dan Martin, attorney representing Mr. Davis, asked to make some comments. He stated that he

typically represents municipalities but does no work for the City of Grand Haven. He understands density concerns. Often, we talk about the need for affordable housing. This project will help with increasing housing supply. A lot of people want to live in Grand Haven. The Michigan Zoning Enabling Act states that a request for a special land use must be approved if the application is in compliance with the ordinance. It's a common neighbor concern to be worried about density. The use is permitted in the district and the standards are met.

Runschke asked about the shared driveway request to see if any commissioners had issues with the proposal. Westbrook stated that he has a shared driveway and doesn't like it. McLaughlin agrees with Westbrook; a shared driveway adds to the problem.

Ellingboe reminded the commissioners that they approved a shared driveway at 618 Sheldon Rd. McLaughlin informed the commissioners that the Zoning Board of Appeals later denied the request for the additional lot that was going to use the shared driveway.

Owens said shared driveways are a feature that is known downtown, and the buyer would know what they are getting into prior to purchase. Galligan said it is not a narrow driveway; it's 16 feet wide. Runschke asked if Davis would consider constructing two two-units and one single-family. Davis was not sure. Beighley won't deny the request for a shared driveway.

Ellingboe stated the commissioners need to include a reference to the standard(s) that aren't being met if they wish to make a motion to deny.

Motion by Owens, seconded by Galligan, to approve the special land use permit for three Two-Unit Dwellings located at 319 South First Street, a property that has been approved to be split into three lots (parcel #70-03-20-454-004) carried by roll call vote with the following condition:

1. A shared driveway off of Howard Avenue to serve Unit A1 and C2 is approved.

Ayes: Owens, Galligan, Beighley, Runschke, Westbrook, Ellingboe

Nays: McLaughlin, Skelly

The motion carried.

Case 21-11: An application for a Special Land Use Permit and Site Plan Review for a cooling tower addition at Automatic Spring Products, 803 Taylor Avenue (parcel #70-03-28-155-018).

Howland introduced the case. Jeff Folkert was present to represent Automatic Spring Products.

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

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

Owens stated that the plan is appropriate and she supports the request. Skelly is fine with the recommendation to not require additional bike racks. McLaughlin was surprised that the proposal required Planning Commission review.

Motion by Westbrook, seconded by McLaughlin, to approve the special land use permit and Site Plan Review for a cooling tower addition at Automatic Spring Products, 803 Taylor Avenue (parcel

#70-03-28-155-018), with the condition that a bike rack was not required, carried unanimously by roll call vote.

Case 21-12: An application for a Special Land Use Permit for 517 Jackson Avenue (parcel #70-03-21-158-015) to operate a Short-Term Rental.

Howland introduced the case. Norma Kapteyn and her builder Doug Kloostera were present to answer questions.

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

Motion by Runschke, seconded by Beighley, to close the public hearing carried unanimously on roll call vote.

McLaughlin is bothered from an affordable housing standpoint because another home is being taken off the market. Runschke said there is no reason not to approve it but the affordable housing concern is unfortunate. Owens has no problem with the request. She'd like to see them owner occupied or long term rental, it meets the criteria. Skelly asked if the home would be long-term rented in the off season. Kapteyn stated that both short term and long term are being considered for the off-season, and that she would be managing the property herself; she lives within 60 miles of the property.

Galligan and Beighley agree with everyone else. Westbrook and Ellingboe said the property looks nice.

Motion by McLaughlin, seconded by Beighley, to APPROVE a request for a Special Use Permit for a Short Term Rental located at 517 Jackson Avenue (parcel #70-03-21-158-015) based on the information submitted for review, and subject to condition below, carried unanimously on roll call vote:

1. A land use permit must be obtained for the concrete work, which must be modified to meet the Zoning Ordinance.

Case 21-13: An application to rezone 101 S Beacon Blvd from OS, Office-Service District to C, Commercial District or NMU, Neighborhood Mixed Use District (parcel #70-03-21-383-014).

Howland introduced the case. Applicant Kristin Rowley and owner Rich Jones were present. Rowley stated that the property has been a bunch of different things since 1900. It's been on the market for 3 years. She plans appointment-only bridal, so the use will be low impact. It's also good for her clients that there are three access points from the building and the building is handicap accessible. The main floor will be a bridal shop, and the second floor will be office uses. No changes are needed to the building, other than interior painting.

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

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

Westbrook stated that the future land use map would support NMU, Neighborhood Mixed Use District. He is not in favor of rezoning to C, Commercial.

Beighley stated that he'd rather see NMU than C, especially if the bridal shop doesn't stay.

McLaughlin had no issues with the request, and felt that NMU was appropriate. The entire Beacon strip should be reviewed by staff for rezoning as a whole corridor.

Skelly stated that NMU is appropriate, and he is glad to see the space being used.

Owens stated that she supports rezoning to NMU particularly given the future land use map, but she is wary of rezoning to C. Galligan and Runschke agreed with Owens and others.

Ellingboe stated that he wouldn't consider it spot zoning, although it is not contiguous to the NMU District. Rezoning to NMU works for the residences nearby.

Motion by McLaughlin, seconded by Skelly, to recommend APPROVAL of an application to rezone 101 S Beacon Blvd from OS, Office-Service District to NMU, Neighborhood Mixed Use District (parcel #70-03-21-383-014) noting that NMU is the most appropriate district for the proposed use, carried unanimously on roll call vote.

Case 21-14: An application to rezone 601 S Beacon Blvd from OS, Office-Service District to C, Commercial District (parcel #70-03-28-152-015)

Howland introduced the case. Sara Rathbun and Oran Rankin were present. They are looking forward to bringing their business back to Grand Haven. They have been looking for a long time. They intend to have a production bakery and pizzas with curbside service and casual dine-in service. They hope to have a baking viewing room in the future.

Chair Ellingboe opened the public hearing.

Facebook: Valerie Sutton, 1035 Colfax Ave: having the Bakers wife back would be a benefit to the community and would support small business.

Motion by Beighley, seconded by Runschke, to close the public hearing carried unanimously on roll call vote.

McLaughlin said it is a great use for the property and congratulates the applicant for sticking to their plan to continue operations in Grand Haven.

Galligan said he supports it and likes the condition of no gas stations.

Westbrook said that the proposed zoning looks appropriate and he supports the exclusion of auto service station.

Beighley and Runschke shared their excitement to see the property being considered, and it would allow the business to grow.

Skelly said that The Bakers Wife is missed downtown and appreciates that the applicant is pursuing this. He said that the building could use some uplift and appreciates the plan. He also supports rezoning with no gas station.

Owens and Ellingboe also support the request.

Motion by Owens, seconded by Westbrook, to recommend APPROVAL of an application for a conditional rezoning of 601 S Beacon Blvd from OS, Office-Service District to C, Commercial District (parcel #70-03-28-152-015) with the condition that Automobile gasoline station be prohibited, because it is adjacent to the commercial district and is a good use for the property, carried unanimously on roll call vote.

McLaughlin asked for clarification on conditional rezoning. Howland explained that applicants can offer conditions including restricting the list of allowable land uses. The planning commission and city council cannot negotiate terms of a conditional rezoning.

Case 21-15: An application for a Special Land Use Permit and Site Plan Review for a proposed expansion to the Drive-Through at the former Wendy's located at 320 N Beacon Blvd (parcel #70-03-21-327-026).

Howland introduced the case. Grant Currier was present representing the property owner and Popeye's. Mr. Currier reviewed the plans with the commissioners.

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

Motion by Runschke, seconded by Beighley, to close the public hearing carried unanimously on roll call vote.

Beighley shared his concern about the expanded drive-through and getting back on Beacon Blvd. It seems to fit in with regulations but it's going to be more traffic on a busy street. Currier stated that customers in other locations have not had issues exiting the property onto busy streets.

Westbrook asked if the fire department had confirmed that a fire truck could get around the building. Howland confirmed that the fire marshal had no issues with the proposal.

Owens asked if customers could pick up their order in the drive-through and exit onto Elliott. Currier stated that there is a median in front of the building preventing that from happening; customers will exit onto Beacon Blvd.

Skelly asked if both drive-through lanes would be open all the time together. Currier has seen that some locations will close one lane in the evenings after the dinner time hours, but it varies by location. Skelly supports the project.

Ellingboe asked about the snow removal plan: Currier has no plans yet. Ellingboe said that they have enough parking to store snow on-site if needed.

Galligan and Runschke thanked the applicant for walking them through the plans and they are happy to see that the property will be re-used. Runschke is glad that the painted wall sign is not going to be added.

Motion by Beighley, seconded by Owens, to approve the request for a Special Land Use Permit and Site Plan Review for a proposed expansion to the Drive-Through at the former Wendy's located at 320 N Beacon Blvd (parcel #70-03-21-327-026) carried unanimously on roll call vote.

Case 21-16: A request for a change of use and Site Plan Review for 102 S Harbor Dr (parcel

#70-03-20-409-001).

Howland introduced the case. She stated that the City Council approved the parking exemption request.

Brock Hesselsweet is the architect for the project and represents the owner. He stated that the main building will be used for storage. The office area will be for bartenders. The building addition will be for public bathrooms. The owner doesn't know what he will do with the rest of the old Wessel's building. This request is for the permanent approval for outdoor dining. Howland explained that the food trucks are not part of this request but the Council-approved temporary use permit does cover food trucks through October 2021.

The commissioners had no concerns with the proposal.

Motion by Skelly, seconded by McLaughlin, to approve the request for a change of use and Site Plan Review for 102 S Harbor Dr (parcel #70-03-20-409-001) carried unanimously on roll call vote with the following conditions:

1. The dumpster enclosure cannot exceed 6 feet in height.
2. A right-of-way permit is required for the work related to accessing the dumpster from the city parking lot.

Case 20-33: A request for Final Development Plan approval of Phase 1 of the Grand Plaza PD amendment, special land use permit approval for a Medical Marihuana Provisioning Center, and a Sensitive Areas Overlay Review for vacant property with a future address of 1021 Jackson Avenue (parcel #70-03-21-199-021).

Howland introduced the case. Rebecca Neil was present to answer questions. Denny Dryer (architect) and Sig Rudholm (contractor) were also present. Rudholm said that the easement with LMCU is in place. The proposed easement to the east has been drafted with The Lighting Company and all parties are in agreement. They are working with EGLE on permitting. Dryer said pervious concrete is a great product this close to the river. Water will be stored in stone under pervious concrete. There will be 2 feet of beach sand below that. Most water will flow away and percolate down. Phase 2 and 3 will require leaching basins and perforated pipe. The building design has been updated to show 60% transparency. All elements meet the Zoning Ordinance.

McLaughlin, Owens, Beighley and Galligan had no concerns.

Skelly asked Neil about the timeframe for one year to open. Neil said that they anticipate opening within one year; they are ambitious and hopeful. Rudholm said it is not an issue, even with winter months. Howland encouraged them to apply for their building permit soon. Skelly asked what happens if they don't meet their one-year deadline. Howland said they would not be permitted to open the medical marihuana provisioning center and would have to find another use for the building.

Runschke asked if they need a dumpster in Phase 1. Dryer does not anticipate needing more than a handcart. Phase 2/3 will have dumpsters.

Westbrook asked about access to Jackson Ave as it is a very busy street. Dryer said it connects to the LMCU lot, which has its own access. Neil said that the connection to the north to northbound US-31 will be helpful for their project, too.

Westbrook asked that staff consider performing a traffic study on Jackson Ave, separate from this project.

Ellingboe agreed that a traffic study is needed for Jackson Ave on both sides of Beacon. He's hopeful that traffic for this project will be routed through to the connection to the north next to Applebee's.

Beighley asked if directional signage would be added to direct customers to the US-31 access to the northwest. Howland said that directional signage is allowed. Neil will explore that option, provided zoning allows for it.

Motion by McLaughlin, seconded by Beighley, to APPROVE a request for Final Development Plan approval of Phase 1 of the Grand Plaza PD amendment, special land use permit approval for a Medical Marihuana Provisioning Center, and a Sensitive Areas Overlay Review for vacant property with a future address of 1021 Jackson Avenue (parcel #70-03-21-199-021), carried unanimously on roll call vote subject to the following conditions:

1. The storm water management plan must be approved by the Public Works Department.
2. The applicant must obtain approval from EGLE for development prior to issuance of any construction permits.
3. Per the medical marihuana regulatory ordinance, the applicant will have one year from the date of this approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules, or regulations, and to commence business operations.

Case 21-17: A proposed text amendment related to window ratios in the Central Business District.

Howland introduced the case. Denny Dryer was inspired to request the change from his experience with 206 Washington Ave. He feels the regulation encourages the use of vinyl windows. Requiring a building owner to install rectangular windows on a building that has arched windows or some other style windows wouldn't look good. He also wants the percent transparency to be reviewed in the future because it conflicts with energy code requirements.

Owens said that Dryer's proposal makes sense, but she wants pictures to compare.

Beighley said that Dryer makes some good points, especially with energy ratings and overall transparency.

Skelly said that he appreciates the request. He wants to see formal comments from the Historic Conservation District Commission. Design intent and integrity are important.

Runschke wished to refrain from comment at this time.

Westbrook supports the concept of alley-facing facades being treated differently, and he looks forward to other comments from the DDA and HCDC.

McLaughlin suggested that the commission review transparency standards at the same time.

Galligan said that he wants to be able to allow arch-top windows and looks forward to receiving comments from the HCDC.

Ellingboe asked Howland if it would be acceptable to delay the request further in order to add a discussion about overall transparency. Howland stated that we can certainly hold off on moving forward until more research can be done.

The commission asked Dryer for examples. He'll provide those to Howland. The text amendment will be placed on a future agenda to be determined.

Case 21-18: A proposed text amendment to allow electronic message boards on properties where religious institutions are operating.

Howland introduced the case.

Owens said that the reason the commission did not include churches in 2005-2013 PC ordinance revisions was because there was a lack of definition for a religious institution. Defining a church at that time was not something the Planning Commission wanted to wade into. She said it was challenging to make a distinction between a public assembly building vs. a church meeting in a home.

Applicant Adrienne Guzman from Advanced Signs said that they are proposing similar language to schools. Their proposal requires that there be an existing ground sign; residences can't have a ground sign. Specifications of the electronic message board would still comply with the ordinance in terms of brightness, turning off by a certain hour, etc. She is open to it shutting off at 9pm and turning on at 7am. The intent of these signs is to get more information out to the community. Religious institutions, like schools, have a lot of information and activities to share. She noted that manual changeable copy signs are inefficient.

Skelly asked Howland to find out the total number of religious institutions in residential neighborhoods and to map them. He'd be interested in community feedback.

Galligan is not in support of this request; electronic message boards don't belong in residential neighborhoods.

Beighley said he wants to see the potential quantity of signs that would be possible and what the content would be, and the impact across the city before considering.

Westbrook said he doesn't support these signs in residential neighborhoods, but he would be interested to hear public opinion.

Runschke agreed with comments made. She is looking forward to seeing a map. McLaughlin agreed.

Ellingboe said that if they are going to be in residential neighborhoods, then we should make them more conducive to residential areas with additional regulations. He does not want to treat public assembly types differently (religious vs. not religious).

Owens suggested that commissioners look at the sign at Ferry and Grant, which shuts off at 7pm. Since it's on a corner and faces diagonally, it really doesn't seem out of place or intrusive in the community. McLaughlin agrees; it depends on the neighborhood. Westbrook said that driving by the sign vs. living next to it are two different things.

Guzman said she researched other municipalities: several in west Michigan allow them in residential districts. She suggested that electronic message boards be allowed in a residential zone as long as it's not 50-75 feet from a residential property. She said that one customer was pushing for this change. Runschke asked Guzman to gather other ordinances for us to review.

Zoning Board of Appeals Liaison Report

McLaughlin reviewed the cases from the March 2021 meeting:

1. 618 Sheldon Rd – denied; lot size and rear yard lot coverage
2. 901 S Beacon Blvd – denied; 55.3% of the stationary pole sign to be electronic message board

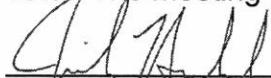
Community Development Manager's Report

Howland reminded the Planning Commission of the upcoming meeting on April 20th to discuss the Beyond the Pier master plan.

Call to Audience – Second Opportunity *No comments*

Adjournment:

Motion by McLaughlin, seconded by Westbrook, to adjourn was unanimously approved by roll call vote. The meeting adjourned at 9:44 p.m.



Jennifer Howland
Community Development Manager