

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

October 10, 2023

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

Present: Magda Smolenska, Tamera Owens, Joe Pierce, Vice-Chair Ryan Galligan, David Skelly, Jennifer Smelker, Debi Hulverson

Absent: Chair Mike Dora, Amy Kozanecki

Also Present: City Planner Brian Urquhart and members of the public.

Approval of Minutes

Motion by **Hulverson**, seconded by **Smolenska** to approve the minutes of August 31, 2023 and the meeting minutes of September 19, 2023.

All ayes. **Motion passes.**

Approval of Agenda

Motion by **Skelly**, seconded by **Smelker** to approve the agenda as written.

All ayes. **Motion passes.**

Call to the Audience; First Opportunity

Jim Hagen, 400 Lake Ave., commented on the Waterfront Zoning text amendment request. He said there is nothing in the analysis that addresses a time period. The power generating facility should also include wind and be a comprehensive document. He said the PC should do nothing because the request supports a political agenda. He concluded the PC should postpone any decision until after the upcoming November 2023 election.

Case 23-36: Site Plan Review for a dumpster enclosure at 1426 Fulton Ave. (parcel #70-03-21-477-018).

Urquhart introduced the request. The applicant is looking to remove 3 parking spaces on the parcel to allow the construction of a dumpster enclosure comprised of white vinyl fencing. Urquhart said this is not permitted, however the ordinance allows the Planning Commission to waive any requirements for the materials for a dumpster enclosure.

Owens felt this was an appropriate use considering the current fence is comprised of the same material.

Galligan read Dora's comments. In his response, Dora said he does not agree with the request and felt the dumpster enclosure material should be comprised of masonry.

Motion by **Pierce**, seconded by **Smolenska**, to approve the site plan review for a dumpster enclosure at 1426 Fulton Ave. (70-03-21-477-018) with the condition below:

1. *All conditions of the DPW shall be met if necessary.*

All ayes. **Motion passed.**

Case 23-37: Site Plan review for a professional service establishment at 1107 Columbus Ave. (parcel #70-03-21-451-013).

Urquhart introduced the site plan. He noted the major items were façade improvements, landscaping, and parking lot expansion. The discussion in August led to a possibility of lessening with the landscape buffer to the home to the east. Urquhart noted the site plan reflected those requested changing to remove a 5 ft. buffer along the entire length, leaving a 51 ft. gap.

Skelly asked about the correspondence between the neighbor. Elaine Westhouse of Comprehensive Engineering did not have any communication, but the plans do show a proposed easement. Bruce Burgess, property owner, said he was unable to connect personally with the property owner but did he did review the information with the property owner who is in favor of the proposed landscaping buffer.

Hulverson asked about the landscape plan, and the entrance with the neighboring driveway. Discussion lead to an agreement to keep the landscape buffer as shown.

Galligan read Dora's comments, who was ok with the site plan.

Motion by **Skelly**, seconded by **Smelker**, to approve a site plan review for a professional service establishment at 1107 Columbus Ave, (parcel #70-03-21-451-013) subject to the conditions below:

1. An access easement shall be prepared and recorded with the property owner at 1119 Columbus Ave. prior to the issuance of a certificate of occupancy.
2. A land use permit shall be required for all landscaping and impervious surface improvements.
3. A change of use permit shall be submitted.

All ayes. **Motion passed.**

Case 23-38: Pre-public hearing discussion for a proposed rezoning of 1644 Franklin Ave. (parcel #70-03-22-354-035) from MDR to TI

Urquhart introduced the request by property owners Rebecca Neil to allow a marina and commercial retreat space at 1644 Franklin Ave. this would require a rezoning from MDR to TI. Urquhart said the property owners received special land use approval for a major home occupation in September 2019. In order to satisfy building and fire code, over \$200,000 of building improvements were spent to obtain fire suppression and ADA compliance. According to the property owner, this investment lends itself to use

the property as a commercial use rather than residential. Urquhart noted the rezoning request does not comply with the future land use map, but the property is unique with respect to the MDR District. It is a larger parcel, lengthy river frontage and adjacent to the TI District. He added the review of the future land use plan was not conducted parcel by parcel.

Rebecca Neil, 1644 Franklin Ave., said they've lived there since 2014 and are trying to explore what they can do with the property for more commercial use and add value to the community.

Galligan read Dora's comments, who said the property is within the Sensitive Area Overlay and the proposal does not meet the future land use classification. Cut off for TI is clean, this would be a problem if the parcel was rezoned. He also listed off uses that would not be compatible with the sensitive area. Dora also commented on the parking limitations on site.

Pierce was afraid going to TI would open the door up to other industrial uses in a sensitive area. Todd Neil, 1644 Franklin, addressed Pierce's concerns. Urquhart said a conditional rezoning could be possible.

Smelker asked about the other marina to the south. Staff noted the other marina was nonconforming use. Smelker still said she was hesitant to rezone the parcel. Smelker asked if the river was looked at closely, and did the future land use review take it into account. She said several parcels in the MDR along the Grand River could come before the Planning Commission for similar requests.

Hulverson asked about what uses are wanted to necessitate the rezoning. She is afraid of unintended consequences of TI rezoning.

Skelly asked about the average water depth. What percentage of the property is in the SAO, and would permits be required by EGLE? Todd Neil said the water depth is only deep enough for small crafts.

Smolenska noted the city required fire suppression, ADA compliance, which would permit the rezoning to TI as an appropriate use. The property owner's hand was forced somewhat.

Owens said the property is more in line with TI than MDR.

Galligan said a conditional rezoning would be the best approach after hearing all the comments. The Planning Commission encouraged the property owner to consider for a conditional rezoning with staff and present to the request at a later date. Urquhart noted the conditional rezoning must include conditions in writing as proposed by the applicant.

Case 23-35: Review of power generating facilities in the WF Zoning District and possible text amendments

Urquhart summarized the audit he performed of the specific types of the power generating facilities permitted by Sec. 40-553. He took the strict scrutiny of the standards for each power generation type and determined if it was satisfied, only taking into account the zoning text. He said that after narrowing it down, only hydro and solar would likely comply.

Smolenska said the city should eliminate all types of power generating facilities. Smelker doesn't want to

specify every type of power generation source and leave the language as is. Hulverson is opposed to any changes to the ordinance and attempting to eliminate a power generating source is not in the best interest of the city. Skelly is not in favor of any changes unless more direction from Council is given. Galligan said he would be fine keeping the language as is.

Galligan read Dora's comments who believes solar with or without storage battery not to exceed 5 GWh to the grid be only allowed in the Waterfront district.

The Planning Commission concluded they would make a formal recommendation at the November meeting.

Zoning Board of Appeals Liaison Report:

Galligan noted the ZBA denied a request for an 8 ft. tall fence at 406 Grant Ave.

City Planner Report:

Urquhart said he received correspondence that Kum & Go is no longer interested in pursuing a gas station at the southeast corner of Taylor and Beacon Blvd. He also spoke on his time at MAP Conference, and reminded the commissioners of the special meeting on Monday October 23rd at 7pm for Noto's final Development Plan.

Call to Audience; Second Opportunity:

Kirsten Runschke, 1609 Pine Ridge, clarified the transparency percentage at 1107 Columbus Ave. for the front wall increased from 18% to 30%.

Adjournment:

Vice Chair Galligan adjourned the meeting at 8:30 pm.



Brian Urquhart, City Planner

