

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

October 23, 2023

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

Present: Tamera Owens, Magda Smolenska, Jennifer Smelker, Debi Hulverson, Vice-Chair Ryan Galligan, Amy Kozanecki, and Chair Mike Dora

Absent: Joe Pierce, David Skelly

Also Present: City Planner Brian Urquhart, Assistant City Manager Price, and members of the public.

Approval of Agenda

Motion by **Galligan**, seconded by **Hulverson** to approve the agenda as written.

All ayes. **Motion passed.**

Call to the Audience; First Opportunity

Jeff Miller, 1120 S. Harbor Dr., spoke towards the benefit of having rules in the Waterfront Zoning District. He discusses the Sensitive Area Overlay Guideline Book prepared several years ago.

PC Case: 23-39: Final Development Plan for Noto's PD at 1223 S. Harbor Dr. (parcel #70-03-29-312-004).

Urquhart noted this request is the final step in a PD amendment. The preliminary PD was approved with conditions by the Planning Commission at the February 2022 meeting. The plan subsequently received several reiterations after going before City Council. At the July 18, 2022 City Council meeting, the Preliminary Development Plan and the PD amendment were approved with conditions.

Urquhart stated he notified the applicant that a building permit would not be issued until the Planning Commission approved the Final Development Plan. The latest conversation was in June 2023. The applicant submitted a building permit to the building department in early September. Staff notified the builder the and property owner they would need to submit a site plan review for the final development plan, as required per Sec. 40-422. The applicant is proposing an addition to the 2nd story above the dumpster/storage area for a bridal suite, 2 new bathrooms, and additional seating. Urquhart said the issue of a dwelling unit would not be included in the final development plan, which was removed from the preliminary development plan.

Urquhart said the city made accommodations for a special meeting tonight to expedite the final development review, instead of the agenda item being placed on the regular November meeting agenda.

Tony Noto, 1223 S. Harbor, said they are attempting to begin construction before winter weather. He noted some concerns that staff raised in their report, including the exterior lighting on the back deck has been turned down and they are addressing the issue of trespassing as noted in the correspondence from the public.

Smelker asked about parking. Mr. Noto stated that the additional use for a bridal suite and 2nd story addition for convention space would take place typically during hours where the restaurant is not fully occupied. Therefore, the condition placed on the preliminary development plan and the condition of the approved Planned Development Ordinance.

Kozanecki was also concerned about parking. Urquhart said Ordinance 22-08 included a finding of fact/condition of approval that the increase in seating would not increase parking demand. The Planning commission could not come with an additional finding that would contradict the City Council's approval.

Galligan stated that if all conditions are met, he is fine with the final development plan.

Smolenska stated the plans are relatively the same from the preliminary development plan, and the exterior building materials match the existing structure and does not see any major issues.

Hulverson questioned Mr. Noto about the apartment above the storage space. Mr. Noto responded the bridal hospitality suite is strictly for day use and preparation for events.

Robert Dornbos, architect for the client, said the capacity will remain the same. Parking would not become an issue.

Smelker expressed concern about enforcement. She inquired if the City could revoke a Planned Development if they violate the conditions. Urquhart said if the matter is tied to the conditions of approval, then yes it would be violation of the site plan and the PD ordinance. Urquhart said if the complaints are driven by use of the property, then increase enforcement could help address and minimize any nuisances or violations occurring on the property.

Hulverson questioned Mr. Noto again if he plans to use the space as an apartment or dwelling of any kind for overnight guests. Noto reiterated it would be not used as a dwelling, in whole or in part. It would only be occasionally used when a patron would need a place to stay after a long day and night of festive activities. He said it would not be an apartment.

Dora said if the applicant adheres to the conditions, the final development plan should be ok.

Urquhart said the city received 1 email from the public against the proposed addition. The email cited several examples of noncompliance city ordinances and general disruption to the use of their property due to the activities taking place at Noto's at the Bil-Mar.

Galligan made motion, seconded by **Owens**, to **approve** the final development plan located at 1223 South Harbor Drive (parcel #70-03-29-312-004), subject to the following conditions:

1. All conditions of Ordinance 22-08 shall be met.
2. All conditions of DPW and Fire Marshal shall be met.
3. The applicant shall provide a detailed photometric plan, to be reviewed and approved by the City Planner.

All ayes. **Motion passed.**

Zoning Board of Appeals Report

Galligan noted the next meeting is scheduled for Wednesday October 25th at 7pm.

City Planner Report

Reminded the Planning Commission the next regular meeting will be on Tuesday November 14th.

Adjournment:

Chair Dora adjourned the meeting at 8:00 pm.



Brian Urquhart, City Planner

