

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

December 13, 2022

A regular 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: Debi Hulverson, Jennifer Smelker, Vice-Chair Ryan Galligan, Magda Smolenska, Tamara Owens, Robert Grimes, and Chair Mike Dora

Absent: David Skelly

Also Present: City Planner Brian Urquhart, DPW Street and Utilities Manager Matt Wade, and members of the public.

Approval of Minutes

Motion by **Grimes**, seconded by **Hulverson** to approve the October 11, 2022 minutes. All ayes. **Motion passes.**

Call to the Audience; First Opportunity

Cecil Bradshaw of 31 Sherman Ave. Bradshaw noted he served on the Planning Commission before. Concerned about the lack of public notice communication with the Diesel Plant development from the city and feared there is questionable activity going on behind the scenes. Bradshaw also said the zoning administrator needs to adhere to the strict law of the zoning ordinance. He reiterated if the Diesel Plant project does not meet the ordinance and should not be approved.

Case 22-35: A request for a special land use for an adult-use marihuana retail license at 1830 172nd Ave Suite F (parcel #70-03-33-201-004) in the C – Commercial District

Urquhart stated Corunna Biz, LLC was the only applicant who submitted for an adult-use marihuana license this summer during the application window. Thus they were the only applicant in the lottery held in September, receiving first opportunity to apply for a special land use permit. Because there was not a quorum of members at the November Planning Commission meeting, the public hearing was rescheduled to December.

Urquhart added the city has not received any public comment on the case.

Chair Dora opened the public hearing at 7:09pm.

Owens made motion to close the public hearing. **Grimes** seconded. All ayes. Public hearing closed at 7:10pm.

Motion by **Smolenska**, seconded by **Grimes**, to approve Case 22-35, a request for a Special Use Permit for an adult-use marihuana retail facility at 1830 172nd Suite F (parcel #70-03-33-201-004) based on the information submitted for review, and subject to the following conditions:

1. *All signage shall meet the requirements of the Commercial District.*
2. *A Change of Use permit shall be submitted.*

All ayes. **Motion passed.**

Case 22-39: A request for a special land use for a retaining wall over 48 inches in height at 34 and 36 Edward St. (parcel #70-03-29-156-046 and parcel #70-04-29-156-045) in the DR - Dune Residential District.

Urquhart introduced the case. He said the applicant Abonmarche applied for an encroachment permit from the City for both the retaining wall and staircase and parking into the Edward St. right-of-way. Urquhart noted there was no concerns from city council or administration on this request. Because of moving the retaining wall would increase the height over 48 inches prompt the need for a special land use permit. The property is located in a critical dune area, and a sensitive area overly permit was submitted and would be approved pending approval of the special land use permit.

Chair Dora opened the public hearing at 7:12pm.

Tim Stoker of 54 and 53 Crescent Hill said Jill Buchholz and Bill Pushaw applied for the encroachment permit to reduce the encroachment of vehicles parked in Edward St. by removing a portion of the dune. He said both applicants have received approval from EGLE and the special and use is the next step. Stoker also said the retaining wall satisfies the special land use standards and aligns with the goals in the Mater Plan pertaining the natural environment. He also provided photographic evidence for the planning commission to consider.

Hulverson inquired about the easement for parking with 34 and 36 Edward. Stoker responded the easement would be between two private parties, and not under any city jurisdiction.

Grimes made motion to close the public hearing. **Smelker** seconded. All ayes. Public hearing closed at 7:20pm.

Urquhart also added the city received 3 letters of support for approval the special land use.

Commissioners did not have any objection. Grimes added he likes when common sense prevails in certain decisions.

Motion by **Grimes**, seconded by **Galligan**, to approve Case 22-39, a request for a Special Use Permit for a retaining wall above 48 inches in height at 34 Edward St. (parcel #70-03-29-156-046) and 36 Edward St. (parcel #70-03-29-156-045) based on the information submitted for review, and subject to the following condition:

1. *A building and retaining wall permit shall be required.*

All ayes. **Motion passed.**

Case 22-40: A request for a special land use for a retaining wall over 48 inches in height at 64 Poplar Ridge (parcel #70-03-29-234-002) in the DR – Dune Residential District.

Urquhart introduced the case. He said Mattson Landscaping applied for a retaining wall replacement at 64 Poplar Ridge. Urquhart said the original land use application satisfied Part 353 of PA 451 of 1994 from EGLE, indicating the replacement of a retaining wall is an activity that does not constitute a use and thus exempt from state permitting.

Urquhart said the Building Official observed the retaining wall construction not according to plan in October 2022. A stop work order was placed on the project. Because the retaining wall exceeded 48 inches in height, a special land use would be required.

Urquhart contacted EGLE for a determination if the activity would be permitted or if property owner should restore the dune to its original characteristic. Urquhart said that no determination nor site visit has been made by EGLE at this time.

Matt Wade, City of Grand Haven, Streets and Utilities Manager of the Department of Public Works, answered questions from the commissioners. He referenced a report prepared by Abonmarche from October 2020, which assessed the condition of retaining walls in Highland Park association. Wade noted the moving of the retaining wall results in a better location. He also added there are no storm water issues.

Chair Dora opened the public hearing at 7:26pm.

Tim Stoker of 54 and 53 Crescent Hill supported the application. He noted the height of the retaining wall is consistent with other retaining walls in the area. The location will provide better safety by reducing the encroachment of vehicles into the right-of-way, provide better access for public safety.

Tom Franks 52 Crescent Hill supports the special land use, citing similar reasons that Mr. Stoker indicated.

Marietta Bigelow of 64 Polar Ridge said this is her property and noted her property has a lot of challenges pertaining the retaining walls the hills on the dune.

Hulverson inquired about the staircase. Bigelow responded her husband needed staircase to access the property, but the staircase needed to satisfy grade, thus prompting the encroachment into the public right-of-way.

Hulverson made motion to close the public hearing. **Grimes** seconded. All ayes. Public hearing closed at 7:31pm.

Grimes echoed his comment from earlier that an approval would be common sense. Dora added that final approval is ultimately determined by EGLE.

Motion by **Grimes**, seconded by **Galligan**, to approve Case 22-40, a request for a Special Use Permit for a retaining wall above 48 inches in height at 64 Poplar Ridge (parcel #70-03-29-324-002) based on the information submitted for review, and subject to the following conditions:

1. *A building and sensitive area overlay permit shall be required.*

2. *The applicant obtains the necessary approvals from EGLE.*

All ayes. **Motion passed.**

Case 22-37: A request for site plan approval for a parking lot expansion at 1770 Hayes St. (parcel #70-07-21-110-012)

Urquhart introduced the case. Urquhart said Jost International is expanding their building across the city boundary into Grand Haven Charter Township. All zoning and planning would be handled by the Township, as outlined in a PA 425 Agreement. Urquhart said because the proposed parking lot improvements is permitted as an accessory use located on city property and subject to the lease agreement, the planning commission retains the right to review all plans subject to this site. City Council approval is not necessary.

Urquhart said the project would be conducted in two phases. He added that all standards for an improved parking lot surface needs to be completed within 8 months of approval.

Brian Sytsma of High Pointe Real Estate Development, on behalf of Jost international, said this project would take relief off the entire project for the additional parking. Sytsma said they have a draft permit from EGLE for the storm water discharge. Sytsma noted this is a good start for the major renovations.

Grimes requested the lighting is appropriate when the project is seeking final approval. Dora added the lighting should be shown on the site plan.

Motion by **Grimes**, seconded by **Galligan**, to approve Case 22-37, a request for site plan review for an expansion to the parking lot at 1770 Hayes St. (parcel #70-07-03-110-012) based on the information submitted for review, and subject to the following conditions:

1. *The storm water management plan must be approved by the Director of Public Works prior to any issuance of permits.*
2. *The site plan shall be amended to include required tree planting along Hayes St.*
3. *The applicant shall notify the city if off street parking is not paved within 8 months of site plan approval and any major changes shall require submission of a site plan amendment.*
4. *Conditional lighting requirements for the existing parking lot will be installed.*

All ayes. **Motion passed.**

Case 22-38: A request for sensitive area overlay and site plan approval for an office building at 1409 Taylor Ave. (parcel #70-07-21-113-001)

Urquhart introduced the case. He stated the parcel is one of the few remaining undeveloped properties remaining in the city. The applicant is proposing a 3,520 sq. ft. one story office space with four office suite spaces located in the OS – Office Service District. Urquhart reviewed the site plan noting all parking landscaping and lighting requirements will be met.

Urquhart said in 2022, the applicant received approval for EGLE determining there are no state-regulated wetlands on site. This information was a result from a request from a wetland delineation report prepared by Lakeshore Environmental, Inc. in 2021, suggesting the wetland may not be regulated and a redetermination may be justified.

Brock Hesselsweet, the architect working on behalf of property owner Alan Roebuck, said all storm water will flow to the retention area in the back portion of the lot. All roll out trash carts will be screened by fencing, and the sidewalk will be installed as part of a right-of-way work permit. All trees will be installed as required, and lighting pole will be installed in the parking lot, and snow storage is shown on the plan.

Smelker asked about the buffer between the home at 1407 Taylor. She said according to the site plan the applicant is intending to use the existing trees as the buffer. She said what would happen if the trees are removed from that property. Hesselsweet said the dense row of trees are useful for screening.

Hulverson asked about retention area. Hesselsweet said all storm water would drain there.

Grimes added he likes the look of the building and is a nice fit in the neighborhood. Provides a residential characteristic.

Motion by **Grimes**, seconded by **Smelker**, to approve Case 22-38, a request for sensitive area overlay and site plan review for an office building at 1409 Taylor Ave. (parcel #70-07-21-113-001) based on the information submitted for review, and subject to the following conditions:

1. *The storm water management plan must be approved by the Director of Public Works prior to issuances of any permits.*
2. *Dumpster enclosure shall meet all site and screening requirements if and when a dumpster is placed on site.*
3. *Landscape plan shall be amended to continue the landscape bed along the west lot line to the clear vision area in the event the trees along the west lot line are removed by any means.*

All ayes. **Motion passed.**

2023 Planning Commission meeting start times

Dora said the commission would revisit the meeting start times for 2023. A motion was made at the October meeting to begin regular meetings at 7:30pm. The majority of the commissioners felt that 7:00pm starts worked better and work sessions at 6:30pm fit into the schedule.

Motion by **Owens**, seconded by **Smelker**, to move the regular meeting start times for 2023 back to 7:00pm and work session start times to 6:30pm.

All ayes. **Motion passed.**

Zoning Board of Appeals Liaison Report:

Galligan said he would not be able to attend the meeting, but there is a meeting on December 21st.

City Planner Report:

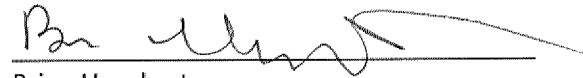
Urquhart said the Master Plan update would be presented at the January meeting. Urquhart added the work session worked well.

Call to Audience; Second Opportunity:

Doug Behrendt of 215 S. 1st Street said his property surrounded by short term rentals. He would like to get his short term rental back. Urquhart responded he would need to have a discussion with Behrendt to fully understand his request and justification, if any, for the city to re-issue a short term rental permit.

Adjournment:

Chair Dora adjourned the meeting at 8:14 pm.


Brian Urquhart
City Planner

