

CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES

December 14, 2021



A regular meeting of the Grand Haven Planning Commission was called to order by Chair Robert Grimes at 7:03 p.m. at the Grand Haven Council Chambers. On roll call, the following members were:

Present: Collin Beighley, Ryan Galligan, Eric Inlaw (arrived at 7:05pm), Tamera Owens, Magda Smolenska, Chair Robert Grimes,

Absent: David Skelly

Also present was Jennifer Howland, Community Development Manager.

Approval of Minutes

Motion by Beighley, seconded by Smolenska, to approve the November 9, 2021 and November 16, 2021 minutes was approved unanimously by voice vote.

Call to Audience – First Opportunity

Sheila McNally, 100 Franklin Ave said that Case 21-47 at 626 Slayton Ave is an owner-occupied property. Case 21-50 at 108 S First St is not an owner-occupied property. The owner is Hass Rentals LLC. The owner must occupy the principal or accessory dwelling unit. She asked that the request be turned down.

Rebecca Neil, 1644 Franklin Ave spoke in support of Case 21-51 (PD amendment at 1021 Jackson Ave) and to allow recreational marihuana sales to remain relevant and accessible.

Aaron Smith, 491 Nathan's Way said that he is with New Standard, the only medical marihuana dispensary in Grand Haven. He is available to answer questions and to formally ask to sell adult use cannabis at his store.

Carolyn Taylor, 15177 Ferris St stated that she has no problem with medical marihuana establishments but to bring recreational sales to Grand Haven is the wrong direction. Teenage use of marihuana and alcohol is a real problem in the community. She understands it is not meant for sale to minors, but the overall access in the community would increase. The health of our kids should be considered. There are resources for addiction to opioids, alcohol, etc. but there isn't anything like that for marihuana. She noted that the social district in downtown is a real challenge when bringing kids downtown. Allowing recreational marihuana retail sales is the wrong direction and a huge mistake.

Case 21-47: An application for a Special Land Use Permit for an Accessory Dwelling Unit located at 626 Slayton Avenue (parcel #70-03-28-105-010).

Josh Brugger, 626 Slayton Ave, provided an overview of his request. He intends to offer a one-bedroom apartment for long term renting. He resides in the main house. He limited the size to one bedroom to keep the impact on the neighborhood minimal.

Chair Grimes opened the public hearing.

Howland reviewed the public comments collected (Norma Glass, 100 Clinton Ave; Tim Horling, 625 Slayton Ave; Ethan Beswick, 509 S 7th St; John & Karen Golden, 550 Slayton Ave).

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

Brugger said that he reviewed the ADU ordinance when he designed the space. In response to concerns raised by the Goldenes in their letter, his building meets all setback, lot coverage and height requirements. The west wall has small transom windows to preserve privacy. He would be happy to install a 6-foot-tall fence along the west property line if it would help. Housing is super important to his family. He noted that affordability is based on the tenant's circumstances (30% of income as a starting point). Regarding his home office, BruggerHouse Builders has two employees. He uses an 8x9 bedroom for his office, and it is registered as a home occupation with the City. He uses one pickup truck, a tool trailer and a boom lift stored off site. Some tools are kept on site in the garage. Majority of business activity occurs at job sites. The driveway can hold 13 cars; there will be no congestion.

Galligan noted that the ADU cannot be short term rented. It will have little to no impact on neighbors. This is pretty much exactly what he imagined when the ADU ordinance was adopted.

Owens said that the proposal fits with what she was thinking of for an ADU. She asked Howland if having a home occupation permit was an issue with also having an ADU permit. Howland said that the home occupation permit is a permitted accessory use and not in conflict.

Beighley said that the proposal meets the standards. He asked Howland about the attic space. Howland stated that attic space is exempt from the residential floor area calculation. Beighley asked about parking for the ADU. Brugger said that there would ideally be just one car, but he would allow two. He asked the commissioners to add that as a condition of approval. In response to an inquiry, Howland confirmed that the ADU resident could be permitted to park in one of the garage spaces.

Inlaw was concerned about what we would see after the use commences. The use can get out of control and not be managed over time. The constituency is concerned about impact over time.

Grimes noted that an ADU is different from a two-unit dwelling. This is a positive example of an affordable housing opportunity.

Beighley asked about adding a condition for maximum 2 parking spaces. Howland said Brugger's lease would be a more appropriate mechanism to manage that.

Motion by Galligan, seconded by Owens, to APPROVE the request for a Special Land Use Permit for an Accessory Dwelling Unit located at 626 Slayton Avenue (parcel #70-03-28-105-010), carried unanimously by roll call vote, subject to the following conditions:

1. The ADU will be used as a long-term rental and will require a Long Term Rental Certificate.

2. A deed restriction that complies with Sec. 40-525 of the Zoning Ordinance must be in place prior to issuance of a long term rental certificate for the ADU but no later than one (1) year from the date of special land use permit approval.

Case 21-50: An application for a Special Land Use Permit for an Accessory Dwelling Unit located at 108 South First Street (parcel #70-03-20-410-004)

Adam Hass, applicant, stated that the building is close to completion. It is currently being used as a garage. He applied in anticipation of meeting the standards within 12 months. The property is currently not in his name; he will switch it over if the special land use permit is approved. There has been a limit on his building permit regarding the use of the structure in the interim. He understands it needs to be under his name and his principal residence.

Chair Grimes opened the public hearing.

Cathy McNally, 100 Franklin Ave, is immediately adjacent to the subject property. She opposes the application. It is an investment property. It is owned in a corporate name. She found it troubling that it was forwarded without an owner indicated. The ordinance requires principal residence of an owner occupant prior to issuance of a special land use permit. Hass has owned the property for 2 years and operated the house as a short term rental. There is no mechanism for a 12-month duration. He should establish principal residency first rather than asking the Planning Commission to rely on intent. She recalled asking Howland when construction was underway; Howland said his intention is to move into it. When will he occupy the structure? Why should we twist the ordinance? It's premature to ask for this. He doesn't meet the standard now. Why entertain the application?

Jack Crawford, 119 S First St, has lived there for 46 years as his principal residence. He loves Grand Haven and noted the waterfront is a coveted location and is a finite resource. He is in full support of accepted growth that our town has seen. We can't name the number of units that have gone up in the area that are pleasing to the eye and meet the stringent code. Multi units have been improved very well, including properties owned by the McNally family. People like Adam and Josh who are willing to put their necks out, have his full support. He hopes to help others in need in the future. There is a need for additional dwelling units.

Sheila McNally, 100 Franklin Ave, fully support the concept of an ADU when there is a principal residence. If the Planning Commission gives a grace period for a year, then she asks for additional reasonable conditions: 1) ADU cannot be used as a short term rental OR a long term rental because the owner must live there; 2) cannot occupy ADU until it is their principal residence. 3) if year expires or owner doesn't have principal residence, remove plumbing, etc. connections. She noted that Howland assured us during construction that there would be no connection.

Josh Brugger, 626 Slayton Ave, noted that the case would be a conditional approval request, which the Planning Commission and City Council have a long history of. Adam hasn't sold his house or moved his family yet until the ADU is approved. Conditional approval makes sense.

Amy Kozanecki, 519 Ohio Ave, stated that Hass made his intentions known 18 months ago, and now we are giving him an additional 12 months. She suggested he comes back when the owner has moved into the house.

Howland reviewed letters received in advance of the meeting, including Norma Glass, 100 Clinton Ave; Sheila and Catherine McNally, 100 Franklin Ave; and Gayle Parmelee, 215 Howard Ave.

Hass said he was transparent about what his intentions were when he applied for the ADU. He could have built a garage with a bathroom, or with a kitchen. He didn't want to move his family unless it was approved. It's a huge lot and fits in very well with the neighborhood. It is surrounded by rental units and multi-family units. We will need more density in the future. He wants a place to put his family for a year or two. Part of what he does is buy properties and fix them up. If he had the ADU, he could live there, then move into the house when the main house was not being short-term rented. The unit isn't done yet.

Jack Crawford noted that we live in a beach town. There has been overwhelming improvement and growth over time due to the Planning Commission and zoning rules. We have always favored people who want to develop. Density, parking and safety will become a concern over time. We haven't seen anything to date to warrant a denial. This is more of an economic opinion, not so much a legal opinion. We need this development.

Cathy McNally, 100 Franklin Ave, said that Hass doesn't meet the requirements. He can move into the principal structure on the property; that is within his control. He can give up his homestead exemption on his current house. He said he wants to use the accessory structure to pivot back and forth as he moves in and out of other homes.

Norma Glass, 100 Clinton Ave, agrees with Cathy McNally. Hass said he would move in and move out as needed. That is not a principal residence. That is not fair if he gets this approval. Why would he put a kitchen and bathroom in the garage if not to use it as a dwelling? You're setting a precedent.

Mike Dora, 501 Friant St, asked for clarification whether the small building will be the primary residence. If he is to live in the smaller unit, would the house become the accessory dwelling? If so, that is not the intent of the ordinance.

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

Inlaw said Grand Haven needs to have an elegant area that is unchanged. Just because there is a large lot or driveway, it doesn't mean it should be built on. We need a space in town that is beautiful. We all want to be downtown but we don't want to crowd everything.

Beighley said that Hass plans to move in and out. Howland clarified the definition of accessory dwelling, accessory structure, principal structure, and principal dwelling. She stated that the owner can live in the ADU. Howland said that the owner cannot move in and out and maintain the special land use permit.

Smolenska said if it is his principal residence, he would meet requirements and get an occupancy permit. She noted that people go on vacation for 3-6 months a year and we don't kick them out of their houses.

Owens said that residency isn't affected by the number of days spent on the property; it can still be your principal residence. Why is the application being made now when the structure isn't

habitable? Howland explained that it is common for a special land use permit to be granted for a property where a building doesn't yet exist, or modifications need to be made. She referenced the short term rental/ADU at Harbor and Emmet that was approved by the Planning Commission.

Galligan said it is a good fit, if it meets the conditions of approval.

Grimes asked if the ADU can be short term rented. Howland said no, it cannot. The main house has a short-term rental certificate, which is legally nonconforming. It cannot be expanded nor relocated to a different part of the property. Owner can move into the main house and long term rent the ADU. Grimes noted that we are mad at Brugger for doing it after it was constructed, and we are mad at Hass for doing it before. He is not sure if this can be approved if property is not in his name.

Howland explained that it is common to consider a special land use application where the applicant is not the owner. For example, the tattoo parlor on South Beechtree Street or the short term rental recently approved on Jackson Avenue. The special land use permit runs with the land after the use commences. Until then, the permit is held by the property owner. Changing the applicant/owner after Planning Commission approval would require that the Planning Commission accept the transfer to a new applicant/owner to ensure the new party will adhere to conditions.

Motion by Smolenska, seconded by Owens, to APPROVE the request for a Special Land Use Permit for an Accessory Dwelling Unit located at 108 South First Street (parcel #70-03-28-105-010), subject to conditions listed below, carried on the following roll call vote: Ayes: Beighley, Owens, Smolenska, Galligan. Nays: Inlaw, Grimes.

1. A deed restriction must be in place in compliance with Sec. 40-525 of the Zoning Ordinance prior to issuance of a certificate of occupancy for the ADU as a stand-alone dwelling, but no later than one (1) year from the date of special land use permit approval.
2. The ADU cannot be used as a short-term rental. The principal dwelling will be the only dwelling permitted to operate as a short-term rental.

Howland explained the condition for a 12-month approval, noting that all special land use permits are associated with a site plan. That site plan expires after 12 months, so the special land use permit is tied to that timeline, as well.

Case 21-51: An application for an amendment to the approved Planned Development for Grand Plaza and an application for an amendment to the Special Land Use Permit for a medical marijuana provisioning center located at 1021 Jackson Avenue (parcel #70-03-21-199-008).

Howland provided an overview of the proposal.

Rebecca Neil, Denny Dryer and Sig Rudholm were present to answer questions. Denny Dryer, 220 ½ Washington said that it will be really difficult to make the building happen by April 2022. The EGLE process has taken a long time; the site is paved but wetland plants are now growing over the pavement. The north end of the property will likely be used for storm water management.

Howland explained the April 2022 deadline and noted that City Council is being asked for a 1-year extension.

Beighley received clarification from Dryer that wetlands will not be touched. Retention will be behind the building.

Inlaw asked if we want to see this development on Jackson Ave, so close to the downtown. It should be moved elsewhere.

Galligan and Smolenska had no concerns.

Owens said that the property is within the allowable zone for a provisioning center per the approved PD amendment. Voters decided to have this; it is not our job to decide whether it is appropriate. Grimes concurred.

Chair Grimes opened the public hearing. Howland received no correspondence in advance of the meeting.

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

Motion by Beighley, seconded by Smolenska, to recommend APPROVAL of the proposed amendment to the to the Grand Plaza Planned Development and preliminary development plan located at 1021 Jackson Avenue (parcel #70-03-21-199-021), subject to the conditions listed below, carried on the following roll call vote: Ayes: Beighley, Owens, Smolenska, Galligan, Grimes. Nays: Inlaw.

1. The project will be constructed in one (1) phase.
2. As previously approved, allowable land uses added to Grand Plaza Planned Development include Medical Marihuana Provisioning Center (special land use), Medical Office (permitted use), and Professional Service Establishment (permitted use).
3. Exterior cladding materials and transparency shall meet the requirements of the Commercial District.
4. Signage shall meet the requirements of the Commercial District.
5. An ingress/egress easement between 1021 Jackson Ave and 1051 Jackson Ave must be recorded.
6. The Fire Marshal must approve the plans.
7. The Public Works Department must approve the plans, including a design for storm water management.
8. The amendment to the special land use permit for a Medical Marihuana Provisioning Center will be considered at the same time as the final development plan and sensitive areas overlay review.

Case 21-48: A site plan review for an outdoor storage yard at 1709 Airpark Drive (parcel #70-03-34-177-008).

Howland provided an overview of the proposal.

Andy Brooks of Callen Engineering said that the request is for approval of a gravel storage yard for storage of semi-trailers related to the business at 1709 Airpark Drive. He noted that Michigan Community Capital, the developer of Robinson Landing to the east, is in support of the request.

Inlaw, Beighley, Owens, Smolenska and Grimes had no comments.

Galligan asked how often is it truly used for storage. Owner Jay Brace stated that the area has

been used for semi-trailer storage for 30 years; When Robinson Landing was being developed, Howland noted that the more recent gravel expansion was not permitted. Some trailers move every day, but most are there long term but not permanent or forgotten about. They are used.

Motion by Owens, seconded by Beighley, to APPROVE the proposed site plan at 1709 Airpark Drive with the conditions listed below, carried unanimously on roll call vote.

1. Storage is limited to the gravel and asphalt areas shown on the site plan.
2. The storm water management plan must be approved by the DPW Director prior to issuance of any permits.
3. A fence permit and land use permit are required.

Case 21-42: The Planning Commission will review recent approved text amendments related to the temporary moratorium on lot splits and two-unit dwellings in certain zoning districts and discuss whether further amendments should be considered.

Howland provided an overview of the text amendments and reviewed the process should the Planning Commission want to consider additional amendments.

Inlaw asked about how this discussion fits in with the master plan? Howland said the Zoning Ordinance updates followed master plan and Affordable Housing Task Force. Grimes stated that further review will interface with the broader master plan update discussion. Inlaw would like additional time to discuss it because he wasn't involved prior.

Beighley supports the Zoning Ordinance as adopted but is open to hearing from the public again. He supports having the moratorium extended.

Smolenska said that the OT District lot width is really narrow, but she supports the zoning ordinance as written.

Galligan and Owens said that further rollbacks are not needed. There has been ample opportunity for public input.

Grimes said that the commission has talked about this a lot, without a true understanding of how it affects each individual area. Each individual area needs to be evaluated, which can be done through the master plan update. He is in favor of extending the moratorium and would want to be efficient with the process.

The consensus of the commissioners is that there will be no text amendment public hearing next month. The City Council will decide if the moratorium is to be extended. The City Council will set the direction for future amendments. The Planning Commission not inclined to make any changes at this time.

Case 21-52: The Planning Commission will discuss developing proposed amendments to the Zoning Ordinance to allow recreational marihuana sales in the City limits. Amendments to the regulatory ordinance would also be necessary.

Howland provided an overview of the agenda item, stating that the City Council has asked the Planning Commission to consider developing regulations to allow for recreational (adult use) marihuana sales, in response to a request from Aaron Smith of New Standard.

Galligan said that he wants all Grand Haven businesses to be successful, but New Standard

knowingly opened for medicinal only. The only other community in Ottawa County that allows recreational sales is Crockery Township. If there is a great want or need, he doesn't want Grand Haven to be the only place to offer it.

Beighley fully supports facilities as approved. He supports restricting the number so it doesn't overflow with the same businesses. He is fully on board to allow recreational sales

Inlaw does not support allowing sale of recreational marihuana. It will get out of control and won't be well managed.

Owens said that the current regulations are well done, especially with the buffers and lottery process. If we extend regulations to recreational, it would not be a disaster because of the foundational work that has already been done. She supports following the same map and scope as for medical marihuana. She is not opposed to allowing recreational sales, but she is not a fan of it.

Smolenska is not opposed to allowing recreational sales. A lot of work was done to develop the current regulations. Medical and recreational should be treated the same from a land use perspective, similar to liquor stores and the social district. We should restrict the number somehow.

Grimes acknowledged the enormous amount of work that went into current regulations. He is not for or against allowing recreational sales. Supply and demand will self-govern the number of businesses. If we are the only ones on 31 north of a certain area, will we become the stop on the way up north?

Beighley suggested adding references to recreational sales in the existing ordinances.

Aaron Smith, 491 Nathans Way, said that there is no difference with the State process for medical vs recreational sales. Those that have a medical marihuana permit can also sell recreational. Crockery and Muskegon did this. The most common way is to merge medical and recreational regulations. They are the exact same product. He noted that the number of people with medical card is going down. It costs money and time to renew a medical marihuana card. The industry is changing fast.

Inlaw is not opposed to marihuana, but not in our city. He would like to hear from a Public Safety officer about effects of marihuana on our community.

Howland said that the next step could be a public hearing on changes to the Zoning Ordinance. She will add reference to recreational sales but keep everything else the same.

Howland noted that the Planning Commission received 3 letters in reference to this case (Sheila McNally, 100 Franklin Ave; Todd Johnson, 114 S 2nd St; and John Harbeck, 601 Leggat St).

Zoning Board of Appeals Liaison Report

There was no ZBA meeting in October. He will report on the December meeting outcome at the January meeting.

Community Development Manager's Report

There will be a joint meeting of the Planning Commission and City Council on January 18, 2021 from 5:30pm to 8:00pm. The topic will be a master planning workshop put on by the Michigan Association of Planning.

Call to Audience – Second Opportunity

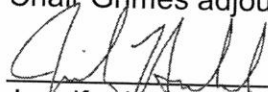
Carolyn Taylor, 15111 Ferris St; because marihuana is legal in Michigan, there is an adult misconception that it is safer because it is legal. Some Grand Haven parents allow kids to smoke and drink, but many adults are very responsible. Marihuana really is a problem with kids. She understands the focus of the Planning Commission is on land use. She encouraged them to be careful with sensitive land use buffers.

Jamie Cooper, 518 Friant St, stated that marihuana delivery is allowed, so shops in Muskegon will deliver to homes in Grand Haven and Muskegon is getting tax dollars from that. She asked to give medical establishments the same access to sell recreational (allow all 4). She gave kudos to past commissioners; the ordinance is pretty impressive, especially the local applicant requirement. The time limit for one year for a new business is challenging and she asked to be treated like every other business. She will send us interesting data on youth impacts for adult use regulations.

Rebecca Neil, 1644 Franklin Ave said she has worked to educate constituents on mental health issues. She wants to open a good establishment that the City can be proud of. She is impressed with the ordinance. The buffers limit negativity but noted that medical marihuana is the only business with such restrictions. It is a heavily scrutinized industry. The character of her business ownership and her intent is to make a positive impact.

Adjournment:

Chair Grimes adjourned the meeting at 9:57 p.m.



Jennifer Howland

Community Development Manager