



**CITY OF GRAND HAVEN  
GRAND HAVEN, MICHIGAN  
PLANNING COMMISSION MINUTES  
July 9, 2024**

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

**Present:** Magda Smolenska, Vice-Chair Ryan Galligan, Amy Kozanecki, Jennifer Smelker, Dan Borchers, Chair Mike Dora

**Absent:** David Skelly, Tamera Owens, Joe Pierce

**Also Present:** City Planner Brian Urquhart, Mayor Monetza, and members of the public.

**Approval of Minutes**

Motion by **Vice-Chair Ryan Galligan**, seconded by **Smolenska** to approve the minutes of the June 11<sup>th</sup>, 2024 meeting as written. All ayes. **Motion passes.**

**Approval of Agenda**

Motion by **Vice-Chair Ryan Galligan**, seconded by **Kozanecki** to approve the agenda. All ayes. **Motion passes.**

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**Call to the Audience; First Opportunity**

None

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**Public Hearing; Case 24-24:** Special land use request for a retaining wall greater than 48 inches in height at 120 Prospect St. (parcel #70-03-29-154-014)

Urquhart introduced the case. Adrienne Peterson, of Peterson & VandenBerg Environmental, on behalf of property owners Jenni Shepard and David Kelley, submitted a special land use request for a retaining wall located at 120 Prospect St. (parcel #70-03-29-154-014). A portion of the retaining wall measures greater than 48 inches in height shall require special land use permit review by the Planning Commission per Sec. 40-327.A.2.b.

A building permit was issued in 2022 for work to the home, including replacing the roof and adding 900 sq. ft. to the 2nd story. The project was revised in 2023 for a small alteration. During construction last summer, the retaining walls were being replaced without the required permits. Staff discovered this violation and informed the property owner. The property owner subsequently submitted a building permit and retaining wall permit in August 2023. Staff informed them and ELGE permit would be required due to the location within the Critical Dune Area and a special land use permit because of the retaining wall height. The applicant did successfully receive an After the Fact EGLE permit in May, prompting the submittal of the special land use permit. The applicant notes they will be replacing the 4' tall ledge rock

retaining wall with a new 5' tall concrete block retaining wall. Section 40-327 of the Zoning Ordinance provides requirements for retaining walls and outlines provisions for administrative approvals and Planning Commission approvals. The applicant has provided responses to 40-116.03A. for special land uses. The applicant has submitted a sensitive area overlay and retaining wall permit which can be approved if the special land use is approved.

One letter from the Public was received from neighbor Penny Blair, 118 Prospect, expressing concern about property is restored after the wall is completed.

Property owner, Jenni Shepard was present and was available for questions.

Chair Dora opened the public hearing at 7:10 pm.

Alrand Mekoff, 12596 Retreat Dr. spoke stating he is assisting Ms. Blair, 118 Prospect in getting a resolution for this property.

Robert Verduin, 111 Prospect, is in support of the wall being built.

Motion made by **Vice-Chair Galligan**, seconded by **Smolenska** to close the public hearing. All ayes. **Motion passes.**

Chair Dora closed public hearing at 7:15 p.m.

Kozanecki, Smolenska, Smelker, and Vice-Chair Galligan, all stated they did not have any further questions.

Chair Dora and Borchers also spoke stating, that although they wouldn't be able to enforce it, they would request for them to be a good neighbor and restore property to the way it was before.

Motion made by **Kozanecki**, seconded by **Smolenska** to approve the special land use permit for a retaining wall greater than 48 inches in height at 120 Prospect (parcel #70-03-29-154-014) based on the information submitted for review and requirements per section 40327A-5 are met.

Roll call vote. Yeas: Kozanecki, Borchers, Smolenska, Smelker, Vice-Chair Galligan, Chair Dora. Nays: None. **Motion passed.**

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**Case 24-25: A public hearing to consider a special land use request for short term rental at 15 Crescent Hill. (parcel #70-03-29-158-007)**

Urquhart presented the case. Property owners Greg and Heather Broad of Collman, AL, have submitted an application for a Special Land Use Permit for a Short-Term Rental located at 15 Crescent Hill (parcel #70-03-29-158-007). Short Term rentals are permitted by special land use in the Dune Residential District per Sec. 40-406.02.

Section 40-513 of the Zoning Ordinance provides a list of ten (10) regulations and conditions for a Short-Term Rental. The review of the Special Land Use Permit application is also subject to the standard regulations and conditions of all Special Land Uses outlined in Section 40-116.03.

The home contains 5 bedrooms and 1 bathroom. The main level contains a deck. There are two parking spaces dedicated to the property off Lovers Lane. A wooden staircase leads up the dune to the entrance. The total parking spaces can support a sleeping occupancy of up to 6 people. There are 2 short term rentals in the nearby vicinity.

As of the date of this staff report, the city has received one written public comment.

Kathy Ramkema, 13 Lovers Lane wrote sharing concerns about insufficient parking, lack of compliance with Highland Parks noise regulations, and a non- resident owner who may not be present to deal with the issues that arise.

Applicant was not present; however. Vicky Mulkahy, 14842 Sheldon Ave, spoke stating she would be the manager of the property.

No public comment.

Motion made by **Vice-Chair Galligan**, seconded by **Smolenska** to close public hearing. All ayes. Motion passes.

Chair Dora closed the public hearing at 7:30 p.m.

Smolenska spoke stating commissioners were concerned about the assigned parking spaces being in proximity to the cottage. The property manager spoke stating there were two assigned parking spaces.

Vice-Chair Galligan and Kozanecki did not have any additional concerns besides the parking spaces.

Smelker spoke regarding occupancy and wanted to verify that the rental would follow the 6 person's maximum occupancy.

Borchers and Chair Dora both voiced questions about the distance requirement from the rental to the parking spaces. Urquhart confirmed the 500ft requirement was met.

Motion made by **Smolenska**, seconded by **Vice-Chair Galligan** to approve case 24-05, a request for a Special Use Permit for a Short Term Rental located at 15 Crescent Hill (parcel #70-03-29-158-007) based on the information submitted for review. Occupancy shall not exceed 6 persons due to limitation of 2 parking spaces.

Roll call vote. Yeas: Kozanecki, Borchers, Smolenska, Smelker, Vice-Chair Galligan, Chair Dora. Nays: None.  
**Motion passed.**

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**Case 24-16: Grand Landing PD amendment - lot adjustments (parcels #70-03-21-100-013, #70-03-21-100-014, #70-03-21-100-015, and #70-03-21-100-016)**

Urquhart introduced the case. Last month the Planning Commission heard Case 24-16, proposed lot adjustments for the approximate 4 acres located north of Adams Ave. and Miller Drive within the Grand

Landing Planning Development. The Planning Commission was mixed between determining if the lot adjustments were considered major, or minor. The commission remained at a 4-4 tie. A vote to postpone the decision to the July 9th meeting was made.

At this time, there is no additional information from the applicant regarding the lot adjustments. The recommended motions remain unchanged from the June meeting.

Motion made by **Smolenska**, seconded by **Smelker** to approve case 24-16, a minor amendment to the final development plan for Grand Landing as shown on the lot split application and boundary survey.

Roll call vote. Yeas: Kozanecki, Borchers, Smolenska, Smelker, Vice-Chair Galligan, Chair Dora. Nays: None.  
**Motion passed.**

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**Case 24-15: Site Plan and Sensitive Area Overlay review for a medical office building at 811 S. Beechtree (parcel #70-03-28-279-013).**

Urquhart introduced the case. Chuck Hoyt, project manager for Nederveld, on behalf of property owners James Siebert & Steve Stavropoulos, has submitted a site plan and sensitive area overlay review application for an 11,500 sq. ft. medical office building at 811 S. Beechtree St. (parcel#70-03-28-279-013). A medical office use is permitted by right in the Office Service district per Sec. 40-415.02.B.

811 S. Beechtree is a 3.45-acre parcel that includes sensitive areas of wetland along the northern and very southern portions of the parcel. Single-family residential was the prior use, however, the home was demolished in early 2023, leaving the site vacant for over a year. After holding a pre-application meeting in March, the Planning Commission agreed the medical office building would be appropriate at this location.

The site layout takes advantage of the buildable area of the parcel. The 11,500 sq. ft. building will be constructed towards the west near the west lot line. The applicant states due to the road location of Taylor Ave. and Beechtree St., the building and parking lot placement is due to property line constraints as well as wetland setback constraints.

Site preparation of the 3.47-acre site includes the removal of all existing trees and brush in the buildable area. As shown on sheet L-100, the existing wetlands and woodlands will remain as is. The site will be graded to allow a larger detention basin located in the front yard of the property.

With the increase in impervious surface and building coverage, a proposed stormwater detention pond is shown in the eastern section of the site. Sheet C-300 denotes that stormwater from the parking lot will be directed into 5 catch basins. The stormwater would be directed into the detention pond. The Public Works Dept. is reviewing the stormwater calculations and will provide the necessary permits to the applicant. A condition of site plan approval is recommended.

The zoning map depicts the northern portion of the parcel as sensitive area overlay. The applicant notes a wetland determination was prepared in July 2023. The wetland determination revealed there are 3 wetland

areas: A, B, and C. According to the report, are likely regulated. The site plan does not show any disturbance to wetlands areas A and B. However, the report states wetland area C is most likely on the neighboring property to the south. Recall Case 22-38, site plan review for 1409 Taylor Ave., approved in December 2022, information was submitted to the Planning Commission regarding the area referred as wetland C, is not regulated and not subject to any permitting.

The building will be constructed in a traditional office design with a single flat roof. The building is 25 ft. in height with exterior building materials comprised of high-quality masonry, glass, metal paneling and similar materials. The renderings depict a gray color walls with brick. All building height, building form standards, setbacks, and lot coverage in the Office Service District are met.

Per Sec. 40-604.03, a medical office building requires 1 space per employee on the largest shift and 1 space per 200 sq. ft. of gross floor area. The applicant notes the number of employees is unknown at this time. The ordinance requires 58 spaces (11,500 total sq. ft./ 200 sq. ft.) = 57.5 or 58 spaces. The applicant is proposing 66 total spaces with 3 ADA accessible spaces. Most spaces are in the parking lot south of the building. 10 spaces are shown between the detention pond and the access drive. 66 total space appears to be an appropriate amount of parking for proposed medical office use.

The access drive will utilize the existing curb cut off Beechtree. The drive will circle the proposed detention pond onto Taylor Ave. It is not anticipated the access drive will be used by motorists as a short cut around the Beechtree St. and Taylor Ave. intersection. However, if any traffic control, such as a stop light is installed at the intersection, consideration of traffic level should be taken into account. Per Sec. 40-605.05, a building between 5,000 sq. ft. and 20,000 sq. ft. requires 1 loading space. The applicant is proposing no loading space as the proposed medical office use will not necessitate loading of goods and materials. Staff believes this is a reasonable request.

The applicant is showing sidewalks along Taylor Ave. The sidewalk will connect with the existing sidewalk off Beechtree St. The sidewalk will connect with the proposed sidewalk at 1409 Taylor St., which was approved in December 2022. Installation of sidewalks indicates a commitment to non-motorized connectivity throughout the city, a goal identified within the master plan.

The site plan does not depict any signage. The OS district allows ground signs and wall signs. Pole signs are not permitted. The application notes 4 LED lighting fixtures will be placed on the front building wall. On Sheet SE-1 of the photometric plan shows 6 parking lot pole lights will be installed. All light fixtures are 20 ft. in height, and have full cut off at the horizontal plane, as required per Sec. 40-317.

The neighboring properties have become familiar with the residential use and largely natural state of the site. The woodland area acted as a buffer between the residential properties and the non-residential uses near Beechtree. A medical office will need to take into account the landscape and screening requirements along the shared lot line with the homes off Hopkins. The landscape plan depicts a buffer along the west lot line comprised of 4 deciduous trees, 8 ornamental trees and 12 evergreen trees, with a width greater than 5 ft., satisfying the standards in Sec. 40-802.01.

The parking lot along the south will meet the required landscaping standards per Sec. 40-803 with 5 canopy trees in the parking lot, and a combination of 12 canopy and ornamental trees, and 36 shrubs along the south lot line for parking lot screening. The landscape plan also depicts screening between the

parking spaces along the access drive and the detention pond. The site plan calls for 4 canopy trees to be planted along Beechtree frontage, and 7 canopy trees along the Taylor frontage.

As noted on sheet L-100, the existing woodland and wetland located in the northern section of the site will be preserved to the greatest extent possible.

The application states rooftop mechanical equipment will be installed. Sec. 40-322 states that rooftop mechanical equipment shall be screened from view. The applicant should submit an amended plan to include screening of rooftop mechanical equipment.

The Fire Marshal has requested additional information for location of hydrants and truck turning radius within the parking lot. The applicant should provide an updated sheet depicting the fire truck turning schematic, which can be included as condition of approval.

On Sheet C-205, the applicant notes the dumpster will be located within a 15' x 24' area in the southeast corner of the parking lot, and enclosed by a 6 ft. tall masonry wall that matches the medical office building. The applicant should include greater detail of the material used for the dumpster gates.

With a site development containing 66 parking spaces, it is recommended the site plan include the location of snow storage.

Chuck Coilt from Nederveld and the applicant were present.

Borchers asked about the dumpster being placed within the setback and wondered if it could be moved.

Smelker and Kozanecki both joined the concern about the dumpster but had no other issues.

Vice-Chair Galligan and Smolenska did not have anything further questions.

Chair Dora stated his only concern was the material of the dumpster enclosure.

Smelker inquired about signage plans.

Tom Cyber spoke stating there was currently not a plan regarding signage as they didn't know who the tenant was.

Commissioners agreed to have this as part of meeting the ordinance.

Motion made by **Kozanecki**, seconded by **Smolenska** to approve case 24-15, a request for a site plan and sensitive area overlay review for a medical office building at 811 S. Beechtree St. (parcel #70-03-28-279-013) based on the information submitted, and subject to the following conditions:

- 1. All conditions of the DPW shall be met.*
- 2. All conditions of the Fire Marshal shall be met.*
- 3. Applicant shall provide an amended site plan providing location of snow storage, and details for the dumpster enclosure gate.*
- 4. Rooftop mechanical equipment must be screened per Sec. 40-322.*
- 5. Any signage must comply with article 7 of the zoning ordinance.*

Roll call vote. Yeas: Kozanecki, Borchers, Smolenska, Smelker, Vice-Chair Galligan, Chair Dora. Nays: None.  
**Motion passed.**

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**Discussion: Short term rental request for 300 N. 7th St.**

Urquhart introduced the case. Peter Wilson, owner of 300 N. 7th St., expressed interest in applying for a short term rental for his two family dwelling. Staff informed him the property is located within the Neighborhood Mixed-Use, NMU district, in which short term rentals are not permitted. Mr. Wilson claims 300 N. 7th St. is in a location advantageous for short term rentals. He noted across 7th St. at the Elliott Condos, which is zoned Planned Development, allows short term rentals. The Elliott is a Planned Development, and according to recorded documents, the site plan and PD were approved in the 1990s and mid-2000s. Since that time, the zoning ordinance has been carefully amended to determine where short term rentals may be permitted by right and by special land use. The NMU district has not been under any consideration for allowing short term rental.

At the April 2023 meeting, the Planning Commission approved Case 24-09, a site plan at 300 N. 7th St. converting the former Rock N Road building into a multiple-family dwelling. Later in 2023, Mr. Wilson amended his plans to convert the building into a two-family dwelling, which is permitted by right and not subject to Planning Commission review.

The planning commission should consider the standards for a zoning change found in Sec. 40-121.B:  
*If the proposed amendment is a text amendment, the planning commission shall consider the following factors:*

- 1. If the proposed text amendment would clarify the intent of the ordinance or correct an error.*
- 2. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the attorney general, or promote compliance with changes in other county, state, or federal regulations.*
- 3. In the event the amendment will add use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district, or between adjacent districts.*
- 4. If the proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.*
- 5. If the proposed amendment is consistent with the city's ability to provide adequate public facilities and services, and is consistent with the city's desire to protect the public health, safety, and welfare of the community*

The Planning Commission is asked to provide feedback to Mr. Wilson regarding his request, particularly taking into account the possibility of opening an entire zoning district to be eligible for short term rentals. If the Planning Commission believes there is merit to the request, a joint meeting with the DDA would be appropriate next step. If there is no justification for the request, no action shall be taken and the ordinance shall remain as is.

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Peter Wilson, 322 N. Second St, was present to address Commission.  
Wilson spoke stating that he felt by changing the zoning for Seventh Street as a corridor into the downtown district area, would align with DDA's vision.

Smolenska felt as though this would be a bigger conversation than in just one meeting, and understood Wilsons' desire to connect Seventh Street to the downtown; however, there would be an additional way to do that, other than bringing in more short term rentals.

Chair Dora also mentioned it was his understanding the request was to open up the entire NMU to short term rentals, not just a specific corridor.

Urquhart spoke stating it was his understanding the initial ask was for specific properties.

Smelker stated that she appreciated the research that was done and was fully on board with trying to connect the Seventh Street corridor and making it a broader district. She further stated that changing the NMU zoning is not something that is done lightly and needs to consider what's best for the city as a whole. Smelker felt as though changing a key street would be more appropriate than changing the entire ordinance.

Kozanecki mentioned she agreed with the concept of connecting Washington and Centertown; however, it would be more convincing to open up that area to short term rentals.

Vice-Chair Galligan agreed with Kozanecki and was skeptical about adding more short term rentals when there is already a fair amount in town.

Chair Dora stated that reviewed the master plan and future land use, and neither supported the idea of short term rentals in the NMU district. He also mentioned he could not be in support of this.

Borchers encouraged Wilson to attend a centertown meeting at the momentum center.

Chair Dora encouraged Wilson to talk to the DDA, but as is, the Planning Commission would not support it.

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#### **Zoning Board of Appeals Liason Report**

Kozanecki stated there would be a house at 540 Williams.

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#### **City Planner Report**

Special meeting on the 23<sup>rd</sup> of July at 6:00 p.m.

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#### **Call to the Audience; Second Opportunity**

Bob Monetza, 945 Washington, was there when key streets were created. Asked the Commission to be extremely careful and reluctant to extending key streets. Key streets were created in 2007 as without them it would take preexisting uses and make them non conforming in the new districts. They were there



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as a means of convenience, not to allow for new uses. Monetza cautioned the commissioners in regards to talking about extending key streets in order to enable use.

Peter Wilson, 322 N Second Street, talked about short term rental issues. He also spoke about affordable housing.

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**Adjournment:** Chair Dora adjourned the meeting at 8:40 pm.

A handwritten signature in cursive script, appearing to read "Melissa Bos", written in black ink.

Melissa Bos, Executive Assistant to the City Manager