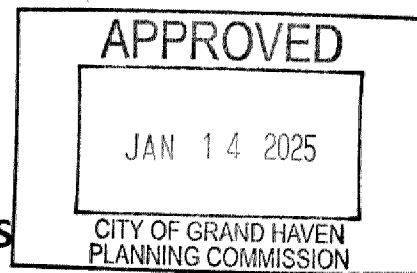


**CITY OF GRAND HAVEN  
GRAND HAVEN, MICHIGAN  
PLANNING COMMISSION MINUTES  
December 10, 2024**



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, Dan Borchers, David Skelly, Tamera Owens, Joe Pierce, Jennifer Smelker, Vice-Chair Ryan Galligan, Chair Mike Dora

**Absent:** Amy Kozenecki

**Also Present:** City Planner Brian Urquhart, Councilman Kevin McLaughlin, and members of the public.

**Approval of Minutes**

Motion by **Skelly**, seconded by **Vice Chair Galligan**, to approve the minutes of the November 12th meeting as printed. All ayes. **Motion passes.**

**Approval of Agenda**

Chair Dora moved that item D, Case 24-41: An application to amend the zoning map to remove the Sensitive Area Overlay designation on parcel #70-03-21-328-031, be moved to item A on this agenda. Add PC case 24-28 to revisit special land use conditions for 22 Franklin to Old Business.

Motion by **Skelly**, seconded by **Smelker**, to approve the agenda as printed. All ayes. **Motion passes.**

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**Call to the Audience: First Opportunity**

None

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**Case 24-41: An application to amend the zoning map to remove the Sensitive Area Overlay designation on parcel #70-03-21-328-031**

Urquhart introduced the case. In June 2024, the development team from the Salvation Army presented the preliminary plan for a housing development at the undeveloped 2.08-acre parcel south of their main facility at 310 Despardar. The development team stated the site is presently overgrown brush and not a wetland. In addition, they assert the sensitive area overlay district precludes development of the site for housing. The underlying zoning district is NMU - Neighborhood Mixed-Use, which multiple-family dwellings are permitted by right in this district. At the November PC meeting, the Planning Commission determined there was enough information in the Wetland Delineation Report to schedule a public hearing, and reconsider the locally regulated wetland within the sensitive area.

Planning Commission Minutes  
December 10<sup>th</sup> 2024

The applicant is requesting the Planning Commission make a recommendation to remove the sensitive area overlay zoning designation on parcel #70-03-21-328-031. This process is outlined in Sec. 40-422.06 of the zoning ordinance. According to Sec. 40-422.02.B. a wetland is determined to be sensitive because it provides flood and storm control, wildlife habitat, pollution treatment, water recharge and storage area, benefits to water quality, and erosion control. Historical records and institutional knowledge have described the site as a former celery field.

According to the wetland report, an onsite assessment was conducted in August 2024. TriTerra identified a combination of forested wetland and emergent wetland on the property, identified as Wetland A in Figure A. TriTerra staff assessed vegetation by approximating the percent coverage of dominant plant species. Soil cores were collected, and the colors were determined using the Munsell Soil Color Chart. TriTerra determined whether each plant community satisfied the requirements to be a wetland, in which, under normal circumstances, the vegetative communities must be dominated by hydrophilic vegetation and hydric soil.

During the November meeting, members of the Planning Commission brought up a concern about whether the sensitive area overlay would be removed, but the project did not happen, and what would then be permitted on the property. Due to this concern, staff recommends the applicant provide context of the proposed housing project, should City Council approve the zoning change. Please note the application includes a conceptual design of a multiple-family housing development with a public road, but we are not conducting any site plan review.

The city received one correspondence opposed to this case.

Applicant Jacob Horner, head of real estate for Dwelling Place, was present.

Chair Dora opened the public hearing at 7:11 pm.

Mike O'Hara, 1015 Fulton, spoke in favor of preserving the wetland and feels it needs to be protected.

David Tenkate, 18. N.5<sup>th</sup> Street, said he favored removing local regulations to allow the development of affordable homes in the area.

Roger Skorupski, 11769 Lakeshore Dr, spoke on behalf of his daughter Meredith, 1040 Fulton, who also opposed removing the Sensitive Overlay Area.

Gerald Andre, 902 Elliot, also said he highly opposed the development.

Tom Reinsma, 1428 Woodlawn Commons, has served on the Salvation Army Boards for 50 years. He stated the property was purchased in 2000.

A motion was made by **Vice Chair Galligan** and seconded by **Smolenksa** to close the public hearing. All ayes. **Motion passes.**

Chair Dora closed public hearing at 7:26 p.m.

Borchers, Smelker, Pierce, Skelly, Owens, Smolenska, and Vice-Chair Galligan concurred that, based on today's standards, this property would not meet the requirements to be qualified as a sensitive overlay Area. They were all in agreement with this being removed from the property.

Char Dora was also in favor of moving the sensitive overlay area.

Motion made by **Vice-Chair Galligan**, seconded by **Owens**, to approve Case 24-41, a request to rezone parcel #70-03-21-328-031 by removing the Sensitive Area Overlay to City Council for the following reason(s):

- 1) Based on the Environmental Report, the area would no longer qualify as a Sensitive Overlay Area.

Roll call vote.

**Yeas:** Vice Chair Galligan, Skelly, Owens, Chair Dora, Smelker, Pierce, Smolenska, Borchers.

**Motion passes.**

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**Case 24-38: A public hearing for Zoning Change Request – 700 Washington Ave (parcel #70-03-19-426-002).**

Urquhart presented the case. John Groothuis of Washington Place, LLC submitted a Zoning Change Application to rezone 700 Washington Ave. (parcel #70-03-21-358-019) into the Centertown Overlay District. 700 Washington is a two-story brick condominium retail and commercial structure, currently home to Health Hutt, Grand Haven Tribune, and other businesses. The current zoning permits a building height up to 35 ft. By including the parcel into the Centertown Overlay District, the building may be increased to 40 ft. in height or three stories, whichever is less. The applicant stated in their narrative, "The rezoning change would allow for significant private investment in the district." No formal plans have been submitted, but the intent is to construct an additional story for residential use.

Sec. 40-121 of the Zoning Ordinance provides the following for the Planning Commission to consider:

1. If the proposed zoning amendment is consistent with the city's adopted master plan. Comment: The City just adopted the Master Plan in May 2023, and the future land use classification for this parcel is Traditional Neighborhood Mixed-Use. NMU is identified as a potential compatible zoning district in the Zoning Plan on page 125 of the Master Plan.
2. If the proposed zoning amendment is consistent with recent development trends in the area. Comment: The rezoning would allow for a compact, dense, mixed-use development that aligns with the intent of the NMU and Centertown Overlay District. The Centertown Overlay district was established to increase density within this commercial node due to its proximity to the downtown core and its importance within the MSDDA district. Furthermore, the Centertown Overlay has access to publicly available (owned) parking and the proximity to public parks and other public amenities. Adjacent to 700 Washington is a city-owned public parking lot in the Centertown overlay district. All parcels south of Washington Ave. from 7th St. to 8th St. would hold the same development opportunities concerning building form, height, and size.
3. If the zoning amendment is compatible with existing or future land uses near the subject site or throughout the zoning district(s) affected by the proposed amendment. Comment: The future land use for 700 Washington Ave. is Traditional Neighborhood Mixed-Use, primarily

located within the OT, NMU, C, and E zoning districts. The FLU classification promotes the densely developed portion of the city's urban core and is within walking distance of key nodes. If new construction is proposed, it should follow the building placement and form standards of existing structures and renew and extend the traditional patterns of the area.

4. If existing or planned public infrastructure, including streets, sanitary sewers, stormwater, water, sidewalks, and street lighting, can accommodate potential changes in land use resulting from the proposed amendment. Comment: 700 Washington Ave. is currently served by existing public infrastructure, and land use changes will not negatively impact infrastructure. There are sidewalks and street lighting on Washington Ave.

5. Is the proposed amendment consistent with the intent and purpose of this ordinance, and would the proposed amendment protect the health, safety, and welfare of the city? Comment: As mentioned in item 2, the intent of the NMU and Centertown Overlay is met with this proposal. NMU and Centertown Overlay allows for nonresidential buildings to have a zero setback and 100% lot coverage, complementing the compact urban form of Centertown Overlay.

### 3.0 Comparison of Site Placement Building Form Standards for Mixed-Use Development NMU NMU (CT Overlay)

|                   | NMU                      | NMU (CT Overlay)                     |
|-------------------|--------------------------|--------------------------------------|
| FY Setback        | 70% within build to zone | 0 feet                               |
| RY Setback        | 15 feet                  | 0 feet                               |
| SY Setback        | 0 feet                   | 0 feet                               |
| Max. Lot Coverage | 70%                      | 100%                                 |
| Building Height   | 35 feet                  | Lesser than 40 feet or three stories |
| Mixed-Use         | Permitted by Right       | Permitted by Right                   |

As of today, the city has not received any correspondence.

The applicant, David Tenkate, was present.

Chair Dora opened public hearing at 7:46 p.m.

Joyce Workman, 7 N. Seventh St, spoke, stating she appreciated Capstone's transparency and that it has been a great example of working together to make progress.

Motion made by **Owens**, seconded by **Skelly** to close the public hearing. All ayes. **Motion passes.**

The public hearing was closed at 7:48 p.m.

No concerns or questions from the Commissioners.

Motion by **Pierce**, seconded by **Smolenska**, to approve Case 24-38 to rezone 700 Washington Ave (parcel #70-03-21-358-019) into the Centertown Overlay District to City Council for the following reason(s):

- 1) Property fits adjacent development plans, the master plan and the intent of the centertown overlay and meets all section 40-121 A standards.

Roll call vote. All ayes. **Motion passed.**

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**Case 24-39: A public hearing for a special land use permit for a retaining wall over 48 inches in height at 1116 S. Harbor Dr. (parcel #70-03-29-154-036)**

Urquhart presented the case. On behalf of property owner Megan Hines, Zach Vandenberg of Peterson and Vandenberg Environmental submitted a special land use request for a retaining wall located in the property's front yard at 1116 S. Harbor Dr. (parcel #70-03-29-154-036). The retaining wall is greater than 48 inches in height, which requires review and approval by the Planning Commission per Sec. 40-327.A.2.b.

Peterson Environmental has been contracted to assist in permitting the replacement of the wooden retaining wall located in the front yard at 1116 S. Harbor. The retaining wall is failing and is causing significant erosion and safety issues in the front yard. The applicant will replace the wooden fence with a steel sheet pile retaining wall, approximately 13 ft. in height (5 ft. above grade, eight ft. below grade). The plan also depicts a 15 ft. x 25 ft. deck in the front yard, extending six ft. out over the retaining wall. Megan Hines has received approval from EGLE (see attachment C) for this work.

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 a narrative describing the scope of work.

As of the date of this memo, the city has received one email in favor of this request.

Zach Vandenberg of Peterson and Vandenberg Environmental was present and stated that a new retaining wall was needed because the material was decomposing and causing it to fail.

Chair Dora opened public hearing at 7:56 p.m.

Megan Hines, 1116 S Harbor Dr., spoke concerning the effects of the erosion.

Motion made by **Pierce**, seconded by **Smelker** to close the public hearing. All ayes. **Motion passes.**

Chair Dora closed public hearing at 7:58 p.m.

Borchers, Smelker, Pierce, Skelly, Owens, Smolenska, Vice-Chair Galligan, and Chair Dora were all in support and did not have any questions.

Motion by **Smolenska**, seconded by **Owens**, to approve Case 24-39, a special land use permit and sensitive area overlay for a retaining wall that exceeds 48 inches in height at 1116 S. Harbor Dr. (parcel #70-03-29-154-036) subject to the condition(s) below:

1. A building permit shall be submitted

Roll call vote. All ayes. **Motion passed.**

**Case 24-40: A public hearing for a special land use permit for short term rental at 208 Fulton Ave. (parcel #70-03-20-429-003).**

Urquhart presented the case. Property owner Mark Bultje-Brown submitted applications for a Special Land Use Permit for Short-Term Rental located at 208 Fulton Ave. (parcel #70-03-20-429-003). The Old Town District also allows short-term rentals if the property is on a key street. In this case, the key street is Fulton Ave. between 1st and 2nd Streets.

208 Franklin was recently a single-family dwelling. Mr. Bultje-Brown purchased the property with the intention of renovating it and renting it as a short-term rental. Currently, there is only enough room for one vehicle to park in the driveway. The site plan provides for a driveway extension to maintain two vehicles.

Section 40-513 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 applicant has provided a narrative responding to the review standards and a scaled drawing depicting the floor plan.

**Adjacent  
Uses**

| Address                    | Use                    | Short Term Rental? |
|----------------------------|------------------------|--------------------|
| 206 Fulton Ave.            | Single-family          | No                 |
| 200 Fulton Ave.            | Parking lot            | No                 |
| 112 N. 2 <sup>nd</sup> St. | Parking lot            | No                 |
| 106 N. 2 <sup>nd</sup> St. | Single Family          | Yes, via SLU       |
| 100 N. 2 <sup>nd</sup> St. | Former bank drive-thru | No                 |
| 211 Columbus Ave.          | Parking lot            | No                 |
| 101 N. 3 <sup>rd</sup>     | Tribune Lofts PD       | No                 |
| 111 N. 3 <sup>rd</sup>     | Two-family condo       | No                 |
| 222 Fulton Ave.            | Single-family          | No                 |
| 218 Fulton Ave.            | Single-family          | Yes                |
| 216 Fulton Ave.            | Storage Building       | No                 |

As of Today, the City received one correspondence regarding the case.

Smolenska asked to be recused from the case.

Applicants Mark and Crystal Bultje, 208 Fulton, were present.

Chair Dora opened public hearing at 8:06 p.m.

No comments.

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

Borchers, Smelker, Pierce, Owens, Skelly, Vice-Chair Galligan, and Chair Dora, voiced concerns that this property is non-conforming, and for consistency's sake, they would not favor approving the special use land permit.

Motion by **Vice-Chair Galligan**, seconded by **Pierce**, to deny Case 24-40, a request for a Special Use Permit for a short term rental located at 208 Fulton Ave. (parcel #70-03-20-429-003) based on the following condition not being met:

- 1.) Does not meet district lot area minimum or width.

Roll call vote. All ayes. **Motion denied.**

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#### **New Business: None**

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#### **Old Business**

##### **Case 24-28: A Special Land Use Permit for a Two-family dwelling and Short-Term Rental located at 222 Franklin Ave. (parcel #70-03-20-453-004).**

Urquhart presented the case. In August, Property owner Katie Broekhoff submitted applications for a Special Land Use Permit for a Two-family dwelling and Short-Term Rental located at 222 Franklin Ave. (parcel #70-03-20-453-004). Two-family dwellings are permitted by special land use in the Old Town District per Sec. 40-410.02.B. The Old Town Zoning District also allows short-term rentals if the property fronts and has a driveway off Franklin Ave. between 5th and Harbor Dr. This was previously approved by the Planning Commission with conditions. Most notable was the property boundary survey, which was provided. In the survey, if it was found that the dumpster was on the owner's property, the dumpster needed to be removed or screened.

According to title research, while the dumpster is on the owner's property, another property owner has a perpetual easement to keep it in that particular location.

Due to the dumpster not being removed or screened, staff cannot approve the condition; therefore, the special land use cannot be approved and is being brought back before the Planning Commission for reconsideration.

Applicant Katie Broekhoff was present. She explained that she was not giving the easement document before closing on the property. The applicant tried to reach out to the dumpster owner to abide by the conditions, but she was met with opposition. The applicant is asking Commissioners to remove the condition from the Special Land Use Permit.

Borchers said he would wait to hear what fellow commissioners said before commenting.

Smelker stated she would like to determine when the ordinance was composed for the screening to see if it is grandfathered. If so, it would then become a code enforcement issue.

Pierce also agreed that the grandfathered issue needs to be addressed, and code enforcement should help solve the issue.

Broekhoff also mentioned that the dumpster, which is as large as the easement, currently could not accommodate a screen.

Skelly suggested that the City Attorney get involved to investigate the matter.

Commissioners continued to discuss ways to navigate the situation, and it would be up to the easement owner to adhere to the ordinance. Ultimately, the commissioners concluded that a motion could be made to remove the condition from the property and turn the easement agreement over to Code Enforcement. This would allow the property to function as a short-term rental.

Owens made a motion, seconded by Vice-Chair Galligan, regarding case 24-28, for a Special Land Use Permit for a Two-family dwelling and Short-Term Rental located at 222 Franklin Ave. (parcel #70-03-20-453-004). The condition of approval would be amended to state that the third condition regarding the dumpster enclosure would be eliminated, as the findings showed there was a perpetual easement agreement placed upon previous owners.

Roll call vote. All ayes. **Motion passed.**

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#### **Zoning Board of Appeals Liaison Report**

Last month, ZBA approved a sign variance at Earth's Edge. There will not be a meeting in January. All vacancies are filled on the board, which also includes an alternate.

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#### **City Planner Report**

Completing Annual Report.

A law was passed that required housing requirements to be included in the Master Plan.

Encouraged Commissioner to participate in the Community Engagement Survey.

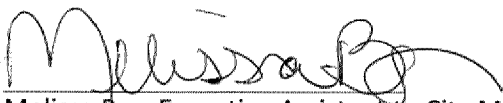
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**Call to the Audience Second Opportunity:** None.

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Motion made to Adjourn. Roll call vote. All ayes. **Motion passed.**

**Adjournment:** Chair Dora adjourned the meeting at 8:57 pm.



Melissa Bos, Executive Assistant to City Manager