

**CITY OF GRAND HAVEN
GRAND HAVEN, MICHIGAN
PLANNING COMMISSION MINUTES
November 12, 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, Amy Kozenecki, Dan Borchers, David Skelly, Tamera Owens, Joe Pierce, Jennifer Smelker, Vice-Chair Ryan Galligan, Chair Mike Dora

Absent: None

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

Approval of Minutes

Motion by **Skelly**, seconded by **Kozenecki**, to approve the minutes of the October 8th meeting as printed. All ayes. **Motion passes.**

Approval of Agenda

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

Call to the Audience: First Opportunity

None

Case 24-36: A public hearing to consider a Major amendment to Noto's Planned Development for an additional sign. (parcels # 70-03-29-312-004))

Urquhart introduced the case. In October 2023, the Planning Commission approved the final development plan for Noto's at 1223 S. Harbor Drive. The final development included a sign plan, which included one sign on the north wall facing the parking lot. Under the regulations for a Planned Development, any signage changes must be reviewed as specified in the Planned Development ordinance. At the October 8th, 2024, meeting, the Planning Commission determined the sign was a major change.

Greg Gurney of Bear Sign Company, on behalf of property owners Tom Noto of *Noto's at the Bil Mar*, submitted a Planned Development application for the major amendment to the PD.

Earlier this year, Mr. Gurney approached the city regarding an additional sign on the south wall. The primary reason to attract attention to motorists traveling north on S. Harbor Dr. The applicant justifies the additional sign will improve safety, and there is no practical location for a ground sign. The Planning Commission determined the additional sign did meet the requirements for a major amendment, largely because the original development plan only depicted one wall sign. The Planning Commission also determined the sign may have an additional impact on adjoining properties, due to the

illumination of the sign.

Summary of Proposed Changes

- One illuminated 45 sq. ft. wall sign installed on south wall hotel plans call for mixture of exterior material color and type, with various architectural features and articulation. The final design of the hotel can be refined during final plan review.

As of the date of this memo, the city has received six emails against the proposed amendment. Reasons include nuisance from the lighting of the sign, and failure of the property owner to upkeep the property in terms of appearance. Photographs have been included in the packet.

Applicant was present.

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

Mark Makower, 132 Crescent Drive, said the lighting impact would be minimal and that he would be in favor of the additional sign.

Bob Sullivan from Scholten Fant, 100 N. 3rd Street, was present as a representative of Thomas and Nichole Frache and their daughter Rosa, who recently purchased and would be directly impacted by the decision made. Property owners feel as though the illumination would change the ambiance. They are also concerned with how the sight has not been appropriately managed. Property owners are requesting that if the sign is granted, it will not be lit. If it is lit, then have parameters on the times.

Shirley Poulton, 1856 Far Hills Court, feels a lite sign would detract from the prime portion of the view of the lake. She also commented on the size of the sign.

Peter DeWitt, 60 Poplar Ridge, said the light from the sign would be facing their bedrooms. He also voiced concerns about what additional things might be asked if the sign was approved.

Amy Rothman, 11570 Oak Grove, said she didn't mind the sign. She feels it would be helpful for those coming from the south to find the restaurant. She also liked that the sign was backlit.

Tony Noto, 1223 S. Harbor, spoke, stating they had met the obligations set forth by the City and wanted to present something positive to the community. The sign is also part of their branding. Noto also mentioned this would be the final request.

Steve Rothman, 11570 Oak Grove, spoke, stating that Noto's is a gift to the community and that starting a small business is hard. He also stated that he felt it was dangerous not to have a sign on the south side indicating the business.

A motion was made by Owens and seconded by Skelly to close the public hearing. All ayes. **Motion passes.**

Chair Dora closed public hearing at 7:25 p.m.

Pierce mentioned that he was not thrilled about the sign being lit. However, he was not opposed to a sign but would prefer it not to be lit. He does not feel any safety concerns or questions about what the building is used for.

Smelker also mentioned she would be okay with a sign for delivery purposes but would not favor having it illuminated.

Kozenecki spoke, stating that she echoed much of what's already been said. She also mentioned that she could see some of the benefits of a sign; however, she felt the beachfront needed protection. Kozenecki stated she was okay with the sign; she was just not OK with it being lit.

Owens stated she was ok with the sign being lit during business hours.

Borchers said it would be best to stay with the original agreement.

Smolenska stated she did not favor any sign but could be convinced to support a not-lit sign.

Skelly mentioned that he understood the branding. If the owners were okay with the sign being lit during regular business hours, he would be OK with voting to approve this change.

Vice-Chair Galligan stated how it would be ok with lights that are times for during business hours as well.

Chair Dora also stated that while no ordinances were being broken, if the owners were okay with complying with the sign being lit during operating hours only, he would support it.

Pierce voiced his concern, stating that allowing the lit sign during evening business hours would still prevent people from enjoying the beachfront view, and he does not feel the sign is necessary.

Greg Gurney of Bear Sign Company stated that they could potentially build a sign on the ground, although it would not look as aesthetic.

Motion made by **Owens**, seconded by **Vice-Chair Galligan**, to approve Case 24-36, a request for a major amendment to Noto's Planned Development for an illuminated sign which is to be turned off during non-business hours on the south wall, and the associated preliminary development plan located at 1223 S. Harbor Dr. (parcel #70-03-29-312-003).

Roll call vote.

Yeas: Vice Chair Galligan, Skelly, Owens, Chair Dora **Nays:** Smelker, Pierce, Smolenska, Borchers, Kozanecki
Motion fails.

Commissioners asked if the property owner would consider having a sign that is not illuminated.

Jim Noto said a sign would be useless if it were inconsistent with the branding and messaging.

Further discussion was had regarding the specifications of the sign.

Motion made by **Kozanecki**, seconded by **Smelker**, to approve Case 24-36, a request for a major amendment to Noto's Planned Development for a nonilluminated sign on the south wall and the associated preliminary development plan located at 1223 S. Harbor Dr. (parcel #70-03-29-312-003).

Roll call vote.

Yeas: Smelker, Pierce, Smolenska, Borchers, Kozanecki, Owens **Nays:** Skelly, Vice chair Galligan, Chair Dora
Motion passes

Case 24-37: A public hearing for Special Land Use –for a retaining wall greater than 48 inches at 19705 NorthShore (parcel #70-03-19-426-002).

Urquhart presented the case. Scott Colby of *Bespoke Homes*, on behalf of property owner Glenn and Kathryn McMillian, submitted a special land use request for a retaining wall located in the front yard of the property at 19705 N. Shore Dr. 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.

Bespoke Homes has been contracted to install an addition to the home at 19705 N. Shore, which required an updated septic system. According to the project narrative, the home is located in the critical dune and high risk erosion area. Due to those conditions, they are required to adhere to the 60-year setback for the septic system. The contractor was able to install two septic tanks, one dose tank in the waterfront yard. Unfortunately, they were unable to fit the drain field in the waterfront yard. After review with Ottawa County Health Department, EGLE, and the Public Works Dept., they determined drain field could be installed in the bluff area in front of the home. The bluff area contains steep slopes and requires the addition of retaining wall to properly contain the drain field system.

A retaining wall height is measured from the top of the wall at its highest point, to the top of the footing. According to the site plan, with a frost free footing, the height of the wall ranges from 90 inches to 108 inches. A retaining wall greater than 48 inches in height will require a building permit. The applicant provided a landscape plan with vegetation assurance. The disturbed area will be replanted with native trees, shrubs, and dune grass.

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 not received any correspondence.

Scott Colby, 5865 Egypt Valley, was present to answer any questions.

Chair Dora opened public hearing at 7:59 p.m.

No Public comment

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

The public hearing was closed at 8:00 p.m.

No concerns or questions from the Commissioners

Motion by **Smolenska**, seconded by **Pierce**, to approve Case 24-37, PC Case 24-37, a special land use permit and sensitive area overlay for a retaining wall that exceeds 48 inches in height at 19705 N. Shore Dr. (parcel #70-03-19-426-002) subject to the condition(s) below:

1. A building permit shall be submitted.

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

New Business: None

Old Business

Case 24-23: Reconsideration and designation of Sensitive Area – Salvation Army attainable housing project.

Urquhart presented the case. Denny Dryer, Tom Reinsma, and Bill Holman approached the city for a possible attainable housing development of 27 townhomes on the Salvation Army's property off Fulton St. (parcel #70-03-21-328-031). Last month, they provided public comment to the Planning Commission to consider removing the sensitive area overlay designation of the 2.09-acre parcel. The zoning map (attachment B) denotes the majority of the parcel is within the sensitive area overlay.

The applicant's memo indicates the property is not necessary for Salvation Army operations and is presently overgrown brush. 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 a multiplefamily dwelling is permitted by right in this district.

The applicant is requesting a determination from the Planning Commission of what content would be necessary in an environmental survey. This process is outlined in Sec. 40-422.06 of the zoning ordinance. The applicant noted the wetland is not regulated by the State of Michigan, nor does it appear to be a connected to other wetland/streams or sensitive ecosystems. According to Sec. 40-442.02.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.

Removing a sensitive area overlay is a two-step process. The first step is obtaining the necessary information to make an informed decision on whether to remove the sensitive area overlay. The environmental survey is imperative to the applicant's request. The second step is to amend the zoning map, and is treated as a rezoning, with final approval by City Council.

Items for the Planning Commission to consider:

- Is there justification of removing the sensitive overlay for the proposed use?
- What is the compatibility of the proposed use and the future land use and Master Plan?
- What environmental qualities does this site contain, or not contain, to continue the sensitive area designation? Is there a negative impact on wildlife habitat? Water recharge and storage? Pollution treatment?

- What content within the Environmental survey will be necessary to make a qualified determination?

Jacob Horner, a representative of Dwelling Place, was present.

Sean Chadley, a representative from Tri Terra, was also present for any questions.

Pierce inquired about the property being sold on land trust and asked for a guaranteed number of affordable houses. Pierce felt okay with moving this item to a Public Hearing.

Smelker, Kozanecki, Borchers, Owens, Smolenska, and Vice Chair Galligan were also okay with the information provided to proceed to a Public Hearing.

Skelly was also okay with moving forward but asked whether the study provided represented a full year. Chandley mentioned that the most accurate data is collected during the growth season from which the report was derived.

Chair Dora asked if the low portions would be filled in and rebuilt. Horner responded, stating they are trying to limit the amount of roads going in but will have to remove some of the dirt for proper drainage and some contamination removal for regrading. Chair Dora felt as though there was more than enough information to be able to move forward.

Motion made by **Smelker**, seconded by **Kozanecki**, to schedule a public hearing on December 10th, 2024, for case 24-23, a rezoning of the Sensitive Area Overlay on the zoning map (parcel# 70-03-21-328-031) Roll call vote. All ayes. **Motion passed.**

Zoning Board of Appeals Liaison Report

Kozanecki stated at their last meeting that there was much discussion about adding the Christian School variance. It was approved.

Discussion about an extension of the Caribou Coffee plan that was approved.

There was also a discussion of a non-conforming pole sign for Loose Spokes that was approved.

The next meeting is scheduled for next month.

City Planner Report

Next month, there will be a Public Hearing.

700 Washington is requesting a change to Centertown Overlay.

Consider a work session to review the master plan for a more urban for the downtown area.

Received redevelopment recertification for 2023-2028.

We will present an annual report next month.

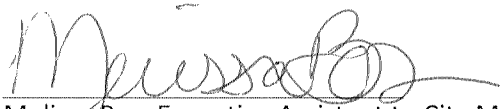
Call to the Audience: Second Opportunity

Bob Monetza, 945 Washington, voiced concern regarding the use of regulated and non-regulated wetland terminology. He stated that wetlands are locally regulated and would prefer that language to be used.

Motion made to Adjourn.

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

Adjournment: Chair Dora adjourned the meeting at 8:32 pm.



Melissa Bos, Executive Assistant to City Manager