

CITY OF NORTON SHORES
PLANNING COMMISSION MEETING
October 11, 2022

A regular meeting of the Norton Shores Planning Commission was called to order on Tuesday, October 11, 2022 at 5:30 p.m. in the community room of the Norton Shores Branch Library, 705 Seminole Road.

Present: Chairman Morano; Commissioners Trygstad, Klairter, Westgate, Bush, Philips, Carroll and Sipovic; also, Ted Woodcock, Sarah Romine and Enrika McGahan

Absent: Commissioner Drier

22-P35 Minutes

Commissioner Trygstad moved to approve the minutes of the September 13, 2022 Planning Commission meeting. The motion was supported by Commissioner Philips and carried unanimously.

22-P36 Special Use Permit – 3500 S. Getty Street, Franklin Property

The Recording Secretary certified the September 23, 2022 publishing and mailing of notices.

A public hearing was held. The applicant, Steven Franklin, explained to the Commission that the property is currently being used to store contractor's equipment and having the Special Use Permit will bring him into compliance. He also talked about his plan is to eventually turn his property into a public park, with an outdoor entertainment center. The ability to keep construction equipment on the property will aide him in that venture.

Commissioner Trygstad made a motion to recommend to the City Council that special land use approval be granted to Steven Franklin to store contractor's equipment and supplies at 3500 S. Getty Street based on; A. That the proposed use will be harmonious with and in accordance with the general objectives or with any specific objectives of the master plan of current adoption because there is no change in the existing use; B. That the proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that such a use will not change the essential character of the same area because there is no change in the existing use; C. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses and will not cause disturbing admissions of electrical discharges, dust, lights, vibrations or noise because there is no change in the existing use; D. That the proposed use will be served adequately by existing essential public facilities and service such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service because there are no additional public services or facilities required for the proposed use; E. That the proposed use will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city because there is no change in the existing use; F. That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, or require outdoor storage of raw materials or

discarded materials produced in the use processes because there is no change in the existing use; G. That the proposed use will be consistent with the intent and purposes of this chapter because there is no change in the existing use; H. Whether a hazard to life, limb or property caused by fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used therefor, or by the inaccessibility of the property or structures thereon for the convenience of entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot because this item is not applicable for the proposed use; I. Whether the use or the structures to be used therefore will cause an overcrowding of land or undue concentration of population because there is no change in the existing use; J. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonable anticipated operation and expansion thereof because it is sufficient and; K. Whether the use to be operated is near residential neighborhoods and, if so, that the development shall not cause any disturbance of the character, peace or values, or it shall not create any hazards to the residents by virtue of increased traffic, overcrowding or lack of nearby recreational facilities because the proposed use will not be near any residences that will be affected. The motion was supported by Commissioner Westgate and carried unanimously.

Commissioner Trygstad made a motion to approve the Site Plan for Steven Franklin to store contractor's equipment and supplies at 3500 S. Getty Street as per the submitted plans, contingent upon approval of the Special Use Permit by City Council, and with the condition that all staff revisions must be approved prior to final site plan approval being granted. The motion was supported by Commissioner Westgate and carried unanimously.

22-P37

Zone Change – 2127 W. Sherman Boulevard, A&E Fisheries LLC

The Recording Secretary certified the September 23, 2022 publishing and mailing of notices.

A public hearing was held. The applicant, Amber Mae Peterson, explained to the Commission that they are looking to sell the property and the zone change would make it easier to do so.

Commissioner Carroll made a motion to recommend to the City Council that the zone change request to change 2127 W. Sherman Boulevard from C-2 General Retail to Planned Unit Development (PUD) is approved based on it being consistent with the surrounding properties and it makes the site more marketable. The motion was supported by Commissioner Bush and carried unanimously.

22-P38

Zone Change – 1325 Seminole Road, Harris Group Inc.

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*Chair Morano stated that he would be recusing himself from this item due to a conflict of interest.

A public hearing was held. The property owner and applicant, Ken Harris, gave the Commission a history of his ownership of the property and the development of Fairway Farms and the preparation and plans that have gone into the proposed development of townhomes at 1325 Seminole Road.

Eric Starck, the attorney representing Fairway Farms, spoke regarding a prior zone change from 30 years ago and questioned if this current zone change fit into the City's Master Plan. Several homeowners from Fairway Farms spoke in opposition to the zone change based on the density of the property, an increase in traffic, a decrease in property values and it not being harmonious.

Commissioner Westgate made a motion to recommend to the City Council that the zone change request to change 1325 Seminole Road from Special Use Development (SUD) to CR-6 Clustered Residential is approved to Callen Engineering and Integrated Architecture, LLC, on behalf of the property owner based on it not being spot zoning, it being residential in nature and being consistent with surrounding properties. The motion was supported by Commissioner Carroll.

Commissioner Westgate amended the motion to recommend to the City Council that the zone change request to be approved to change 1325 Seminole Road from SUD to CR-6 contingent upon there being no legally recorded agreement between the City and the property owner. The motion as amended was supported by Commissioner Carroll and carried unanimously with Chair Morano abstaining.

22-P39

Special Use Permit – 1325 Seminole Road, Harris Group Inc.

The Recording Secretary certified the September 23, 2022 publishing and mailing of notices.

A public hearing was held. Mike Corby, Integrated Architecture, gave the Commission an overview of the plan to construct townhomes on the property at 1325 Seminole Road. He went through a PowerPoint showing the design of the townhomes and the types of materials that would be used. Jill Bauer, PE, ROWE Professional Services, addressed the traffic study/observations that were made of the site and surrounding area. Ms. Bauer stated that she had observed the traffic during school hours earlier in the day and found that there was heavy traffic but noted that Mona Shores High School had several traffic issues of their own. Ms. Bauer stated that if the proposed townhomes were constructed it could lead to heavier traffic in during school arrival and dismissal times, however, any backups would be short-lived.

Eric Starck, the attorney for Fairway Farms, spoke in opposition to the Special Use Permit based on the density of the proposed use and whether it met Ordinance standards. Several homeowners from Fairway Farms spoke in opposition to the Special Use Permit based on the density of the property, an increase in traffic, a decrease in property values, an increase in crime/theft, kids playing in their yards, where pets will be allowed and it not being harmonious with surrounding properties. Residents from 1707 Ritter Drive, 3585 Rood Road, 3699 Brentwood, 3800 Grueling Street and 1010 Seminole Road spoke in opposition to granting a special use permit due to an increase in traffic, a decrease in property values, concerns about the townhomes being rentals, it not being harmonious with surrounding properties, and safety concerns for students walking to and from school.

Commissioner Westgate made a motion to recommend to the City Council that special land use approval be granted to Callen Engineering and Integrated Architecture, LLC, on behalf of the property owner, with the following conditions: 1. The zone change from SUD to CR-6 is approved by City Council. 2. All staff revisions must be approved prior to final site plan approval being granted. This recommendation is based on there being evidence that: A. That the proposed use will be harmonious with and in accordance with the general objectives or with any specific

objectives of the Master Plan of current adoption because it is residential in nature; B. That the proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that such a use will not change the essential character of the same area because it is residential in nature; C. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses and will not cause disturbing emissions of electrical discharges, dust, lights, vibrations or noise because it is residential in nature and not commercial; D. That the proposed use will be served adequately by existing essential public facilities and service such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service because public facilities are already in place; E. That the proposed use will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city because the necessary services are already in place; F. That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, or require outdoor storage of raw materials or discarded materials produced in the use processes because it is residential in nature and not commercial; G. That the proposed use will be consistent with the intent and purposes of this chapter because it is residential in nature; H. Whether a hazard to life, limb or property caused by fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used therefor, or by the inaccessibility of the property or structures thereon for the convenience of entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot because there is access to the property; I. Whether the use or the structures to be used therefore will cause an overcrowding of land or undue concentration of population because it is within medium density standards; J. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonable anticipated operation and expansion thereof because it is within population density numbers; and K. Whether the use to be operated is near residential neighborhoods and, if so, that the development shall not cause any disturbance of the character, peace or values, or it shall not create any hazards to the residents by virtue of increased traffic, overcrowding or lack of nearby recreational facilities because it is consistent in nature. The motion was supported by Commissioner Carroll and approved 5/2 by a roll call vote, with Commissioners Bush and Sipovic against and Chair Morano abstaining.

Commissioner Westgate made a motion to approve the Site Plan for Callen Engineering and Integrated Architecture, LLC, to construct a 79-unit townhome development at 1325 Seminole Road as per the submitted plans, contingent upon approval of the Special Use Permit by City Council and with the condition that the zone change from SUD to CR-6 is approved by City Council and that all staff revisions must be approved prior to final site plan approval being granted. The motion was supported by Commissioner Carroll and approved 5/2 by roll call vote, with Commissioners Bush and Sipovic against and Chair Morano abstaining.

General Public Comment

Linda Hopper, 3869 Fairway Drive, spoke regarding Harris Hospitality catering the City's Employee Appreciation Lunch. Ms. Hopper felt this was a conflict of interest and that Fairway Farms residents deserved equal time with members of the Commission and City Council. Chair

Morano stated that Commission members are not required to respond to public comments, however, he would address Ms. Hopper's comments. Chair Morano stated that Planning Commission members were not a part of the employee lunch and that it was City staff only. Mr. Woodcock addressed this and clarified that the catering of the lunch has been done for years and was only attended by City staff.

Meeting adjourned at 8:10 pm.



Sarah Romine, Recording Secretary

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