

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 18, 2019**

Mayor Seibold called the meeting to order at 5:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center.

Present: Commissioners Duncan, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: Commissioner Favale

Also Present: City Attorney Huff; Acting City Manager LaFave; Finance Director Mushong, City Clerk Brower

2019-39. Miller-Hamrick. Motion to enter into an executive session to discuss an attorney's opinion in accordance with Section 8(h) of the Open Meetings Act. A roll call vote was taken.

Yeas: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6

Nays: -0-

2019-40. The meeting adjourned at 5:01 p.m. to conduct the executive session.

2019-41. The meeting reconvened at 6:01 p.m. with the following people in attendance:

Present: Commissioners Duncan, Hamrick, Miller, Walters, Zagel and Mayor Seibold

Absent: Commissioner Favale

Also Present: City Attorney Huff; Finance Director Mushong, Acting City Manager LaFave; Captain Buikema; Zoning Administrator Mizikar; City Clerk Brower; Planning Consultant LeBlanc

2019-42. Mayor Seibold led the audience in the Pledge of Allegiance.

2019-43. No public comment was received.

2019-44. Mayor Seibold noted there have been a few recent communications about parking in and around Gaslight Village and the Community Center and staff would be reporting back to the commission later.

2019-45. Resolution vacating a portion of Oxford Road.

Acting City Manager LaFave explained the developers of the Oxford Hamlet project are working their way through the requirements for the City of Grand Rapids and Michigan Department of Environmental Quality for approvals for this development. Due to many remaining questions and concerns about this project, the City of East Grand Rapids is considering vacating a portion of the Oxford Road right-of-way.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Brad Rotschafer, Mosaic Properties

Stated owners who have been meeting with the neighbors since 2014, but neighbors remain opposed to all development. The development has been reduced from 55 units to 48 units and has added a second access from Griggs Street in Grand Rapids. Developers are always encouraged to connect communities and people through their development. It was

- clear that Oxford was meant to be connected. Felt it would be good for people in both cities and has heard from many people who want to move here. Requested East Grand Rapids table the resolution to vacate until the details and merits of the development can be presented and the Griggs access can be studied.
- Sid Jansma, Jr. (property owner)

Has always wanted to develop this property so everyone can enjoy. Could do single-family homes, but thinks multi-family would be better. He noted the EGR traffic engineer stated the existing streets and infrastructure could handle the additional traffic. It already has full storm and sanitary sewer available and would be easy to develop. Questioned why the City of EGR had chosen to direct open storm water drains onto his property instead of connecting to the storm sewers. Stated that at a bare minimum the City needed to talk with him about the storm water issue and how to deal with the wetlands created. Willing to take the matter to court if necessary to develop his property. If vacated, he will include the new owners of the vacated property in his lawsuit.
  - Derek Trovillion, 1762 Oxford

Neighbors are not opposed to development and wouldn't object if there was more support from the neighbors, if the owner needed the money, if the development were smaller, if the complaint about wetlands could be verified and if it would solve the watershed issue instead of exacerbating it. Neighbors feel vacation of right-of-way is appropriate step. Did not appreciate threatening tone from the lawyers.
  - Ken Erffmeyer, 2105 Stickley (GR)

They are empty nesters and want to be a part of the East GR neighborhoods.
  - Tina VandenBurg, 2104 Tenway

Reported that traffic off Breton is already bad in their neighborhood and additional cars will worsen and deteriorate road conditions.
  - Jenna Ludeman, 2258 Englewood

Submitted letter from Franks Spies who could not attend. Supported the vacation proposal as she felt allowing several hundred additional vehicles through the neighborhood would jeopardize the safety of children and the value of homes.
  - Mary Sue Barnes, 1720 Oxford

Appreciated the City Commission's study and effort on this issue. Supported a barrier at the border to stop traffic.
  - Bill Andrus, 1779 Asbury

Disputed some of the owner's history of the land and objected to the financial gain.
  - Matt Ludeman, 2258 Englewood

Emphasized safety is the main concern with all the additional vehicles associated with a 48-unit development in such a quiet neighborhood. Could support a smaller number of single-family homes.
  - Gary Barnes, 1720 Oxford

Didn't feel there were any benefits to East Grand Rapids from the additional vehicles the development would bring.
  - Julie Neuhaus, 1771 Whitfield

Wanted survey done and property markers installed to prevent additional tree removal on her property.
  - Sue Lee, 1755 Oxford

Appreciated the schools, quietness and safety in her area. She is terrified of accidents if more cars use their streets.

The following communications were received at City Hall concerning this issue:

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|---|--|
| - Ronald Redick, Mika Meyers                    | Objection on behalf of 2200 Griggs property owner. |
| - Max & Carol VanWyk, 2616 Greentree (GR)       | Opposed to vacation.                               |
| - Ray Fisher, 2108 Tenway                       | Support vacation.                                  |
| - Susanne Buchau, 1750 Asbury                   | Support vacation.                                  |
| - Jenna & Matt Ludeman, 2258 Englewood          | Support vacation.                                  |
| - Eric Gallannek/Capalene Howse, 2354 Englewood | Support vacation.                                  |

No other public comment was received. Mayor Seibold closed the public hearing.

- 2019-045-A. Walters-Miller. That a resolution vacating a portion of Oxford Road in the City of East Grand Rapids and reserving easements for public utilities be adopted as attached in Exhibit "A" with the following language added:

BE IT FURTHER RESOLVED that the vacation of the portion of Oxford Road described above is contingent upon, and shall only become effective upon, the city entering into option and right of first refusal agreements, under terms acceptable to the City, with both of the neighboring property owners who would receive portions of the vacated property by reversion upon the completion of this vacation proceeding.

Commissioner Walters explained the additional language will insure that the vacated land reverts to the city in the event the homeowners don't want to keep it. Mr. Walters noted this vacation was not about opposing the development, the wetlands or other issues, but rather about whether there was a benefit or detriment to keeping the road open. He reiterated the many negatives voiced by the neighbors: traffic, safety, road deterioration and negative impact on property values. Commissioner Walters noted the city was not trying to block the development of the property since the project would still have the access point on Griggs.

Commissioner Miller stated that the traffic study clearly demonstrated a significant increase in traffic for the surrounding streets. He felt the City had a responsibility to its residents to maintain the character and safety of their neighborhoods.

Commissioner Zagel agreed that vacating a portion of the street would not prohibit the development from going forward but it would help protect the neighborhood from the increase in traffic.

Commissioner Duncan also supported the resolution to vacate. She noted that the owner was choosing to develop the land only after he enjoyed the quiet nature of the neighborhood for his family. She stated she was very supportive of families with young children who value safe, quiet streets for their families.

Commissioner Hamrick agreed with her fellow commissioner's comments and reiterated her desire to maintain safe neighborhoods. She stated she had no problem with the development of the property but was concerned about the traffic and wear and tear on the roads additional vehicles would bring.

Mayor Seibold noted she had not heard any solid reasons from the owner or the developer why the project had to have access to Oxford Road; however, she had heard many reasons why the additional traffic would be detrimental to those living in the area.

Yeas: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6  
Nays: -0-

- 2019-46. Request to approve the division of land at 2755 Hall.

Zoning Administrator Mizikar reviewed the history of land division and rezoning requests for this property.

Planning Consultant LeBlanc explained this lot was split between two zoning districts, with the majority of land in the R-2 district. The city code requires staff to use zoning standards for the district that makes up the majority of the property when discussing a land division; therefore, both lots must meet the R-2 criteria to approve a lot

split. Mr. LeBlanc noted that the north side of Hall Street contains homes averaging 30,000 sq. feet and properties on the south side of Hall average about 14,000 sq. feet. He stated the applicant had identified many similar properties in the area, but that majority were on the south side of the street and not adjacent to their property on the north side. He stated the city must look at the size and shape of all parcels in a 500' radius, not just those across the street or just those selected that match the applicant's property. He also noted the slope of the lot may cause a new home to be significantly higher than the property to the east. He recommended denying the lot split request because it did not meet the standards contained in the land division ordinance.

Mr. LeBlanc addressed the lot lines proposed by the applicant by saying that while it will technically meet the requirements, it is obviously gerrymandered around the existing home, creating several pockets of unusable land that could create confusion and disputes among future property owners.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

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|---------------------------------------|---|
| - Rick Pulaski, Nederveld Engineering | Stated that all setbacks conform and no variances will be needed. Presented many aerial views of homes and setbacks in the area, charts of lot sizes and some of the surrounding unusual lot shapes. Stated it was most important to look at homes across the street since they are all similar. Felt open lot was a gaping hole on the street and needed to be filled.   |
| - Muriel Poortenga, 2755 Hall         | Felt the empty space created a lack of introduction to the neighborhood and it bugged her to only see the back of the houses behind the empty lot. She wants to aesthetically contribute to the evolution of Hall Street.   |
| - Brian Gill, 2760 Lake Dr            | Opposed to the split because it is not a natural property split and will add a new home towering over their back yard. Also noted the very small proposed setback between the existing home and the new home will cause these two homes to be much closer together than others in the area.   |
| - Elena Gill, 2760 Lake Dr            | Felt the open space in the area was a very attractive feature, not a detriment.   |
| - Adam Panter, 2820 Lake Dr           | Did not feel this lot split or the proposed home conformed with the neighborhood at all and would negatively affect the value of other properties.  |
| - Rob Bernard, 700 Plymouth           | This is a very busy area and people who buy here should expect lots of noise and traffic. Stated opposition letters were full of inconsistencies and should not be counted. Noted the world is a different place than 1995 and can't use this as a starting point. Stated all great places would never have happened if people weren't willing to overcome objections. Felt the open space was a negativity and ask the commission to view this through a lens of change. |

The following communications were received at City Hall concerning this variance request:

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|---|-----------|
| - Janice DeLange, 2754 Hall             | In Favor. |
| - Karri & Rob Gabridge, 2700 Lake Dr    | In Favor. |
| - Cynthia Humphries, 2700 Hall          | In Favor. |
| - Brian & Elena Gill, 2760 Lake Dr      | Opposed.  |
| - Adam & Christine Panter, 2820 Lake Dr | Opposed.  |
| - Courtney Gabridge, 2465 Lake Dr       | In Favor. |
| - Jim Seufert, 965 Rosewood             | In Favor. |

No other public comment was received. Mayor Seibold closed the public hearing.

2019-046-A. Zagel-Miller. That the request of Maria DiMusto-Poortenga, owner of 2755 Hall, to divide the property into two parcels with the western parcel (A.1) containing the existing home measuring 80.74' wide by 174.93' long containing approximately 18,586 square feet of property, and creating a new eastern parcel (B.1) of undeveloped land with a width of 102.55' by 149.52' long containing 12,979 square feet be approved, with the following conditions:

1. The split complies with the surveys and legal descriptions presented in the land division application; and
2. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval.

Commissioner Zagel was concerned about the overall lot shape as he feared this would set future owners up for problems. He felt this would set a bad precedent. He noted other property owners have chosen to move or demolish portions of homes to avoid these very types of situations because there were no other solutions that would fit the neighborhood.

Commissioner Miller noted that he didn't feel the third standard requiring harmony and consistency was met with this proposal. He noted the City wasn't obligated to approve something just because it was presented if it didn't fit the neighborhood. He noted the existing home would now have portions of the front and back yard that were actually owned by the neighboring home, which clearly did not conform with the neighborhood.

Commissioner Duncan also felt this did not meet several of the criteria in the ordinance and she could not support the request.

Commissioner Walters equated this request as a square peg in a round hole. He stated the standards are not met and a gerrymandered lot line is not the solution. He suggested the applicants either petition the city to rezone the lots or to seek a variance.

Commissioner Hamrick agreed and felt this would be very confusing to future owners.

Mayor Seibold gave examples of two lot split requests denied nearby where the owners worked through the issues and were able to meet the standards with alternate methods. She stated that the requirements and standards set up by the city codes ensure that all regulations are applied consistently and fairly. She noted this request did not meet those standards and she could not support the proposal.

Yeas: -0-

Nays: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6

2019-47. Final Reading of an ordinance to amend Section 5.18 of Chapter 50 of Title V of the City Code pertaining to the definition of front yard.

Mayor Seibold opened a public hearing. No public comment was received. Mayor Seibold closed the public hearing.

2019-047-A. Zagel-Duncan. That an ordinance to amend Section 5.18 of Chapter 50 of Title V of the City Code pertaining to the definition of front yard be introduced as attached in Exhibit "B."

Yeas: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6

Nays: -0-

2019-48. Final Reading of an ordinance to amend Section 5.61 of Chapter 50 of Title V of the City Code outlining encroachments into required yard setbacks.

Mayor Seibold opened a public hearing. No public comment was received. Mayor Seibold closed the public hearing.

2019-048-A. Zagel-Miller. That an ordinance to amend Section 5.61 of Chapter 50 of Title V of the City Code outlining encroachments of porches, decks and stoops be introduced as attached in Exhibit "D."

Yeas: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6  
Nays: -0-

2019-49. Duncan-Hamrick. To approve the consent agenda as follows:

2019-049-A. Minutes of the regular meeting held February 18, 2019.

2019-049-B. Payroll disbursements of \$231,990.06; county and school disbursements of \$603,458.82, and total remaining disbursements of \$800,418.33.

2019-049-C. Meeting dates for FY 2019-20 for the City Commission, Planning Commission, Library Commission, Parks & Recreation Commission, Board of Review and Finance Committee.

2019-049-D. Solution amending the City of East Grand Rapids Governmental Money Purchase Plan as attached in Exhibit "D."

Yeas: Duncan, Hamrick, Miller, Walters, Zagel and Seibold – 6  
Nays: -0-

The meeting adjourned at 8:05 p.m., subject to the call of the Mayor until March 18, 2019.

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Karen K. Brower, City Clerk

Attachments: A – Resolution vacating a portion of Oxford Road  
B – Ordinance amendment to Section 5.18 defining front yard  
C – Ordinance amendment to Section 5.61 setting front porch encroachments  
D – Resolution amending the Governmental Money Purchase Plan

Attachments listed above are available for inspection at the office of the City Clerk.