

Planning Commission

Regular Meeting Minutes Thursday, January 5, 2017 7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Heinig at 7:00 p.m.

2. Roll Call

Present: Gruber, Loafman Miles, Stimson, Heinig
Absent: Fries, Frost, Paull, Peterson

By motion Fries, Frost, Paull, Peterson were excused.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Stimson, second by Gruber to approve the January 5, 2017 Regular Meeting Agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – October 6, 2016

Motion by Loafman, second by Stimson to approve the October 6, 2016 regular Meeting Minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

6. New Business – Public Hearings

a) Proposed amendment to Sections 1800-1 and 1800-3 of the Zoning Ordinance

Hosier explained this is a parking amendment to change Sections 1800-1 and 1800-3 of the Zoning Ordinance. Currently, according to ordinance, you cannot park on your driveway even though you can legally pave right up to the side property line. This

change was motivated by a house being built and a driveway, legally paved up to the lot line, not being permitted by ordinance to park on it because it is in the side setback. No garage was proposed for the property but the driveway was of a size to accommodate the required four parking spaces. Staff's research, in response to a resident's question regarding whether the zoning ordinance permits parking on a driveway within a minimum side-yard setback, indicated that it has been the policy of the city for several years to allow driveway parking regardless of the driveway location.

At the October 31, 2016 meeting of the Zoning Board of Appeals, a variance request was heard from the city for the parking at the Park Avenue house. The variance was approved and provided relief from Section 1800-1 which is the ordinance restricting parking on driveways located in the side setback area. Documentation provided by staff confirmed that parking in driveways in the side setback area is common in the general vicinity of this property and throughout the city.

Whenever a pattern of zoning appeal applications or city policy become so common as to form a pattern, the planning commission should consider drafting an amendment to clarify the intent as well as the longstanding policy in the city. Thus, the city attorney drafted a proposed amendment to the zoning ordinance which clarifies that residential parking is permitted on residential driveways regardless of where they are placed in relation to the side or rear lot lines.

Motion by Gruber, second by Stimson to open the public hearing.

All in favor. Motion carried.

There was no public comment.

Motion by Miles, second by Stimson to close the public hearing.

All in favor. Motion carried.

Stimson, noting that she is the Zoning Board of Appeals representative to the Planning Commission has been through the discussion already and stated that with the history it is obvious that the city has been doing this for years. Stimson believes the Planning Commission should recommend to the City Council that they approve this.

Gruber concurred and stated that since it has been being done we might as well make it legal.

Hosier noted further investigation shows other wards also are parking very close to lot lines.

Motion by Stimson to recommend that the City Council adopt the proposed zoning ordinance amendments to Sections 1800-1 and 1800-2 based on factual evidence that the amendments follow longstanding city policy and have not proven to be detrimental to the neighborhoods. Second by Gruber

All in favor. Motion carried.

b) Special Use approval for Phase 3 of Central Lofts

Hosier noted this is a condominium development in old Central School. This is Phase 3; there are a couple of issues to note. There are a few concerns which may involve a waiver by City Council. Density in residential Planned Unit Developments (PUDs) is limited by the underlying zoning. In this case, density is one unit for every 8,712 square feet of lot area. The density may be increased for each ten percent increment of additional open space above the 15% required. Hosier pointed out that this whole development banks on Baer Park being there. "It is more dense than the other phases; there is already a building there, if a waiver isn't permitted, what will happen to the building? Will it just sit there? So one waiver to allow the additional density." Hosier noted that the second thing is the possible need for a parking waiver. The developer has asked to bank eight parking spaces to be constructed if a need develops. Staff does not recommend this as if the development is successful there will be a need for the additional parking. Hosier also pointed out the items that need to be approved by the city engineer.

Gruber wants to make all aware that he presently lives in Phase 2 of the condos. In speaking with the city manager, he feels discussion on phase 3 would be fine. Heinig agreed noting that Phase 3 is a separate project and the commission would welcome Gruber's comments. Stimson concurs. On consensus, it was agreed that Gruber was free to comment on Phase 3.

Motion by Gruber, second Stimson to open the public hearing.

All in favor. Motion carried.

Heinig asked if there was someone available from the developer to speak to this request for Planned Unit Development (PUD) approval.

Pete Buurstra, Engineer, 3800 West River Drive, Comstock Park, Michigan. Stated he can answer site questions. This is our opportunity to take an empty building and put it to good use. Without this development, who knows what will happen to this vacant building. Residential would create the least impact for density.

Buurstra explained that the parking waiver was not proposed to avoid putting in parking spaces but to maintain the lawn/streetscape at least up to the eastern face of the building. However, if that isn't acceptable the developer would like to propose to build the first five spaces and still keep those 3 banked spaces, which keep out of the lawn area as much as possible.

Buurstra also noted that the city engineers' concerns are understood and they take no issue with those being addressed as part of this phase of development.

Hosier noted that staff received many letters, all of which were forwarded to the Planning Commissioners and herself. After a question from Stimson regarding the monument marker installment Hosier explained it is to designate the property lines between the different phases of the development. Buurstra stated the markers were originally in place but have been removed or relocated during construction activities and will be put back in

this spring or summer; this would re-mark the shared line between Phase 1 and Phase 2.

Gruber noted that there was a retaining wall that was built as part of one of the other phases, and then partially removed. Buurstra noted his understanding is that the developer said a patio is going to go in that area; if the wall needs to be rebuilt or modified, it will be done as part of that construction. Gruber said he didn't see that in the drawings; he believes the blocks were used to build a patio in another part of the development, he said residents wondered about having what was required by one development being moved to another area. Buurstra explained that since he just heard about this a couple of days ago, he does not feel he can address this.

Gruber noted that several things that were brought up about shared areas and security will be addressed during the construction approvals.

Stimson asked who makes sure the markers get done and if the city engineer would oversee that. Halberstadt noted he has not done that in the past but would be willing to, if notified, visually inspect.

Loafman asked for clarification regarding the parking banking. Buurstra noted that the developer has suggested that instead of banking eight, as requested in the proposal, banking three and building five.

Heinig stated that the board will take public comment. Reminded that any agreement between the condo association and developer, the city is not a part of that and there is nothing we can do about that. Requested that anyone speaking to this proposal take that into consideration during your comments. Heinig reminded of the limit of three minutes.

Hosier pointed out that on the Zoning Ordinance Compliance form, Anderson noted that for Phase 3 Condo parking there needs to be a total of 112 off-street parking spaces; what is proposed now is 109 with 3 banked. In conclusion, Hosier noted that the Planning Commission is considering two waivers, density and parking.

Motion by Stimson, second by Loafman to close the public hearing.

All in favor. Motion carried.

Gruber sees this as a building that can either have nothing happen and be in disrepair (because if you let a building sit it will deteriorate). The project was always known to be 3 phases. One waiver is density; he does not have a problem with that. Gruber feels we should not grant the waiver on the parking and feels the developer should just do it and move on. Loafman agreed.

Gruber thinks Larry Halberstadt and staff put quite a few recommendations in their report. Things that were supposed to be done prior, so prior to occupancy permit, the sidewalk needs to be built on the north side of the property between School Street and Broadway; top asphalt course and final striping needs to be done; thinks that final asphalt should be inclusive of the parking areas and the drive down to the underground parking. Curb and gutter required for the lower level drive is not completed. Survey markers; replacing missing blocks in the retaining wall; additional parking light to match

the site plan (missing one light). Gruber noted water and sewer needed to be upgraded. Gruber commended the engineering staff for their work.

Stimson concurs 100%. "We need to make sure everything the city engineer suggests is there; all eight parking spaces along with what Gruber noted and she has no problem with density."

Heinig asked Halberstadt if he was aware of the retaining wall. Halberstadt was not but feels it should be completed and the patio should be indicated on the site plan.

Loafman asked how the current builder can be held to the Phase 1 and Phase 2 completion of items not done by previous builders. Gruber and Heinig explained that although there have been different builders, Phase 1 was completed, and Phase 2 done by the same developer.

Motion by Stimson to recommend to City Council that they accept Waiver 1 for the density, but not to accept the Waiver 2 on the parking. All 8 parking spaces need to be built and the site plan revised to illustrate the grading and drainage of the new pavement and the relationship to the proposed sidewalk; and be sure everything is completed according to the departmental reviews, including:

1. Sidewalk on the north side of Superior Street between School Street and Broadway Street
2. Curb and gutter on the driveway between the south parking lot and the lower level, indoor parking at 525 Superior Street
3. Top asphalt course on the south parking lot (south of 500 Erie Street and east of 525 Superior Street)
4. Parking space striping
5. Barrier free parking signage
6. Monument markers be replaced between Phase 1 and Phase 2.
7. New water and sewer services

In addition, it is recommended that occupancy certificates not be granted until all engineering issues are resolved to the satisfaction of the city engineer. Second by Loafman.

All in favor. Motion carried.

c) Special use approval for an entrance gate at The Landings of South Haven Condominium Development

Hosier said we have a special use permit to add a gate to the Oak Street entrance of the Landings Condominium Development which requires a special use permit from the Planning Commission. As part of the review for this request, staff contacted the fire

marshal and the city engineer for comments. The Fire Marshall is okay due to the installation of a Knox box to ensure emergency access to the development if needed. The city engineer requested that an access code be provided to operations staff to permit 24-hour access to the site in the event of a utility emergency. In addition, the city engineer recommended that the gate be mounted on the west side of the driveway to avoid a conflict with a 6-inch water main that runs along the east edge of the driveway.

Hosier noted that this is one of two entrances to the condo.

Halberstadt confirmed, "There is a 6" water main running up one side of the driveway so whatever equipment is necessary for the gate needs to go on the opposite side so foundations don't interfere with the water main. The street department needs to be able to get the gate code."

Motion by Gruber, second by Stimson to open the public hearing.

All in favor. Motion carried.

There were no comments.

Motion by Stimson, second by Miles, to close the public hearing.

All in favor. Motion carried.

Gruber is glad for the suggestion to move the equipment over from the water main. Gruber asked if there is someone that can address that.

Brad Adamson, Lasr Prop Management, 1301 M-43. Adamson noted that his company manages quite a few other properties. "Good point, great info; the proposal was to have the operator on the left-hand side, which is opposite the water main, that is something we will certainly do."

Gruber pointed out that earlier, a property owner who has a driveway internal to the property was concerned about guest and emergency access to his property. Adamson noted that is from a different entrance and different parking lot. Gruber hopes the resident is aware that they are safe; the fire marshal, Department of Public Works and police all can have access to all of the properties Lasr manages.

Adamson said they are planning a sliding gate; the keypad has to be on the driver's side as you pull up to the gate, the east side.

Motion by Gruber to approve the special use permit with the stipulation that the foundation for the operating system not impede the water main. Seconded by Miles.

All in favor. Motion carried.

7. Old Business – None

8. Other Business

a) 2016 Annual Report to City Council

b) 2017 Meeting Schedule

Since these documents were inadvertently omitted from the packet, they will be sent out to the Planning Commission, linked into the packet on the website and provided for discussion in the agenda packet for the next meeting.

9. Commissioner Comments

Gruber: Tuesday Council made a recommendation to send to us a review of the medical marijuana law which stipulates that cities and municipalities are given the opportunity to opt in. The city has to make a recommendation to allow or not allow and then to regulate marijuana. We feel it would be good to have the discussion, and get public input, so even if the decision is to say no, we can say it was discussed.

Stimson asked if we are discussing opting or zoning areas to be allowed. Gruber said all of the above.

There were no other comments.

10. Adjourn

Motion by Stimson, second by Gruber to adjourn at 7:45 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary