

Planning Commission

Regular Meeting Agenda Thursday, July 10, 2014 7:00 p.m., Council Chambers



City of South Haven

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes – June 5, 2014**
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business – Public Hearings**
 - a) A zoning ordinance text amendment to clarify the provisions of zoning ordinance section 901-17 which allows one family detached dwellings to be permitted by special use permit in the B-3, Waterfront Business Zone.
 - b) A request from Tom Brussee to amend the official zoning map to rezone .35 acres (15,319 square feet) at 38 Northshore Drive from the B-3, Waterfront Business Zone to the R1-A Single Family Residential zone. The parcel number for the subject property is 80-53-823-002-10.
7. **Other Business**
 - a) Site Plan Review for new Goodwill Store, 340 73 ½ Street
 - b) Review of Draft Noise Ordinance amendments, City Code Article II, Sections 30-27 through 30-36; Set public hearing date
 - c) Discussion of mini-storage expansion at 1505 2nd Avenue
8. **Commissioner Comments**
9. **Adjourn**

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator

Planning Commission

Regular Meeting Minutes Thursday, June 5, 2014 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: Miles, Peterson, Smith, Stimson, Wall, Webb, Heinig
Absent: Frost, Paull

Motion by Wall, second by Smith excuse Paull and Frost.

All in favor. Motion carried.

3. Approval of Agenda

Heinig, as Chair, noted that Mr. Tom Brussee has withdrawn his request for a special use permit at 38 North Shore Drive. There have also been additions to the agenda: the election of officers and a review of progress by the sub-committee on the draft noise ordinance.

Motion by Smith, second by Miles to approve the June 6, 2014 regular meeting agenda without the 38 North Shore Drive request and with the addition of the election of officers and a review of progress by the sub-committee on the draft noise ordinance.

All in favor. Motion carried.

4. Approval of Minutes – May 1, 2014

Motion by Wall, second by Peterson to approve the May 1, 2014 regular meeting minutes as written.

All in favor. Motion carried.

Election of officers.

Heinig opened the election of officers.

Nomination by Wall for Dave Paull as Chair. Second by Smith.

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Motion by Wall, second by Smith to close the nominations for Chair.

All in favor. Motion carried.

Heinig called the vote for Dave Paull as chairman.

All in favor. Motion carried.

Nomination for Co-chair was opened.

Motion by Wall to nominate Larry Heinig for Co-chair. Second by Miles.

Motion by Wall, second by Smith to close the nominations.

Heinig called the vote.

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. Steve Schlack is seeking preliminary approval to amend Phase 2 of Riverwatch Condominium development to eliminate the proposed 25 unit residential building and add a fourteen-unit (14) parking garage and additional green space for the existing units. The development is located at 815 E. Wells Street.**

Anderson noted that amending the condominium development plan has to go through the same process as approving a Planned Unit Development (PUD); there will need to be an introduction; then a preliminary review and a public hearing at the next meeting. The final approval will rest with the city council.

Anderson explained that since there were several things missing from the application, this request will be treated as a preliminary review. Missing from this application include: legal descriptions; access drives; utility hookups, proposed landscaping and ground cover.

Anderson noted that we will open the public hearing for the special use, and then continue the public hearing for the next meeting. Anderson suggested that the commission first consider the amendment, which fits the category of the preliminary hearing. The public hearing on the special use permit for the lot split will follow.

Heinig asked if the applicant or a representative of the applicant were present.

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Steve Schlack, 815 East Wells, Riverwatch Condominiums. Noted that the outlined goal for him tonight is to see if we have a consensus whether this is something the Planning Commission would approve, before he gets into the more costly aspects, and to answer any questions the board may have.

Smith asked for clarity on exactly where the proposed garages and single family home would be going; he found the drawings in the packet were hard to understand. Schlack noted he has a better preliminary site plan, which he passed to the Planning Commission. Schlack noted that while it was slow going, the Riverwatch Phase One is now sold out; his main goal with this request is to provide more storage for residents. The changes to the Phase Two portion will accommodate that need.

Heinig asked the commission if they want to do the public hearing on the proposed lot split before voting on this portion of the application. Heinig then asked Anderson her view. Anderson noted that if you approve this you are de facto approving the lot split. Anderson feels it is important at this point to move on to part B of the request and then come back to part A.

Smith asked if this request is atypical. Anderson said no, there are usually things that are missing from a preliminary review.

Heinig suggested, upon no further comment, proceeding to Item B.

- b. Steve Schlack is also seeking a special use permit to split off a portion of the Phase 2 parcel for the development of a single family home. The development is located at 815 East Wells Street.

Anderson stated that Schlack is proposing to remove approximately sixteen thousand (16,000') square feet from the condominium plan and use that portion to develop a single family home outside of the condominium development. That request is for a special use permit to construct the single family home in the B-3 zone. Anderson explained that the commission needs to have a public hearing on the request.

Motion by Wall, second by Smith to open the public hearing.

All in favor. Motion carried.

Heinig asked if there are people who would like to speak.

Mark Gale, Riverwatch Condominiums. Gale stated that he previously owned a unit in the South Haven Marina Townhomes. There was also a vacant lot and eventually put up the garages; it was the best thing he ever did. This request seems similar to that and this is an asset; the previous site was an overgrown vacant lot used for overflow parking. This would be an asset to the city of South Haven.

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Anderson noted if the Planning Commission feels they are going to go ahead with the split her suggestion would be to not take official action tonight; carry it over. You may have discussion, ask the applicant questions but do not close the hearing; move to continue it until the matter of the overall amendment is decided.

Motion by Wall, second by Peterson to continue the public hearing until the next time the matter is before them.

All in favor. Motion carried.

Heinig called for comments and questions from commissioners.

Smith asked whether if this portion of the condominium plan is split off, it be out of the condominium. Anderson responded that is correct; the proposed amendment is two-fold: 1.) replace the approved Phase 2 condominium units with garage/storage space and open space, and 2.) remove another portion entirely for the home.

Wall asked if these changes affect the PUD. Anderson said it is actually a condominium project and a major amendment still has to go through the PUD process. That process requires that a public hearing be held, after which City Council has the final say.

Schlack stated that just like with the amendment request, he is looking for feedback and to get a feeling for which way the board is heading. Schlack understands that a single-family home can be kind of contentious and bring public attention. Schlack pointed out that the only way to gain access to the Phase 2 portion of the property is over a residential parking lot. Since the property is zoned B-3 he cannot put a business there. Therefore Schlack is asking for the special use permit for the single family home.

Heinig noted that he wanted to comment on the standards; under Standard H, it states that "the special land use shall conform with all standards in this ordinance and other applicable city ordinances" and references Zoning Ordinance Section 901-17 which states, "in addition to the standards found in Section 1502 of this ordinance, the applicant shall demonstrate that the conversion is of substantial benefit to the City of South Haven and the waterfront business community." Heinig does not believe that the application demonstrates substantial benefit to the city or the waterfront community.

Wall commented, noting that she is not being argumentative, that the property cannot be used for business because the access is over a residential parking lot. Anderson pointed out that there was a case in the last year where an applicant wanted to do something similar, the applicant went before the Zoning Board of Appeals (ZBA) which denied the request, said the ordinance was clear. The applicant went to court and the court upheld the zoning board's decision. Anderson

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added that she mentioned this to Mr. Schlack and that she did not see the board of appeals approving a similar request, especially in light of the court decision.

Wall asked if he could do anything with it if he cannot have a business, other than just a vacant lot. Wall asked Heinig's thoughts on this. Heinig replied that he already has a permitted use approved for the property in the way of a condominium project.

Rob Keorkunian, 815 Wells, Riverwatch Condos: Trying to understand Heinig's comment of there being no benefit. "What would be of no benefit? There are less taxes being paid than if there were garages and a single family home. Stated that resident do not want the Phase 2 area to be used for commercial use; he understands that the regulations will not permit that. "Since that portion of property is land-locked, I can't understand Heinig's comment."

Heinig explained that that portion of the property is not isolated or totally unusable; it is part of the condominium development at this time. Smith noted that verbiage to explain this is right in the ordinance. Smith added that there is a lot of land and property down there on the waterfront that the city and the commission do not want to see turn into an area of just single family homes.

Wall said the B-3, Waterfront Business zone, was set up with the idea to keep it available for businesses that serve the marina/boating community and for green spaces so the public can enjoy the waterfront. Wall noted this is a community; it is not just about one residence.

After further back and forth between the board and Keorkunian, Anderson interjected with a reminder that the current discussion was occurring outside of a public hearing. If it is to continue, the commission should reopen the public hearing since it was only continued, not closed.

Heinig noted that Keorkunian can talk to the commissioners or Anderson after the meeting.

Wall said the Planning Commission needs more information.

After a question from Smith, who asked if the commission is considering the garages, too, Anderson responded that we are looking at all of it; removing property, the development of the single family home, and building the garages. Anderson pointed out that the commission can withhold preliminary approval; giving preliminary approval allows the applicant to know he can move forward. If the commissioners are not comfortable, Anderson suggests tabling the request.

Motion by Miles to wait to make a decision until the next meeting, until all the information is available and the public hearing is held on the condominium amendment. Second by Wall.

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All in favor. Motion carried.

7. Other Business – Review of Draft Noise Ordinance

Webb noted the sub-committee is in the process of making changes to their draft. Heinig explained that some of the changes that came to the sub-committee's attention include the 11:00 p.m. shut off of music, and another segment where they would reduce the decibels. Anderson said from 1:30 a.m. to 7:00 a.m. the committee is advising requiring ambient noise only. Not yelling, not screaming, not loud music. Ambient noise is generally at about forty-five (45) to fifty (50) decibels, according to Anderson, who noted that the city code did not have that decibel level requirement before, but was allowing noise overnight at the seventy (70) to seventy-five (75) decibel range.

The ordinance has been very complicated and difficult to enforce. Anderson noted that the sub-committee is trying to make this ordinance a whole lot easier to understand and enforce.

Heinig commented that Police Chief Martin and the Deputy Chief have been extremely cooperative and helpful to the committee, regarding things we could do to make things easier. He also told the commission about the sound testing done at Listiak Auditorium to help the committee understand and hear the difference in different decibel levels of a variety of sounds. Chief Martin sent a representative to that meeting who was very helpful. Heinig said the head of the housing commission, the mayor and people at Old Harbor Village have been equally helpful. Heinig expressed the need to make the ordinance very solid, fair and easy for everyone to understand including police, bar owners and residents.

Webb noted that the committee was operating under the assumption of the police enforcing ninety (90) and seventy-five (75) decibels, which is what our original draft was based on; then it was realized that commercial abutting up to residential after 11:00 at night should be enforced at sixty (60) decibels. We are trying to go with 60 decibels at 11:00 at night and then down to ambient after 1:30 a.m.

Wall commented that as a council member she gets quite a few calls on the noise ordinance. Wall wanted to point out, "When you bought where you are living, did you not notice there was a bar next door?"

Anderson informed that the committee researched lakeshore and resort community noise ordinances. Allowing only ambient noise after the bar closes was fairly common. "That is good; at that point the city should be quieting down. It's a gradual progression of noise."

Heinig noted that the whole commission will see the draft at the next meeting.

Wall had a question about the penalties to which Anderson responded we are looking at making those stiffer. Discussion ensued around fines going exponentially higher for repeat offenses. Wall suggested we need to make sure that the bar owners understand that we are serious because this has been a problem for years; \$50 - \$100 is nothing to bar owners who can make that in less than an hour. Wall strongly suggested that the fine keeps doubling until the bar owners understand the rules and know this is how it goes. "If we hit them hard enough with fines they will learn and they will play nice," Wall

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commented. Wall will be bringing this strong suggestion to council because every year the city goes through this and she strongly suggests the bar owners be hit with financial incentives.

Anderson commented on the B-3 amendment; city council has been reviewing the amendment the planning commission made and is thinking some of it may not be clear enough. Council has asked for clarification to be added. Anderson worked with the city attorney to develop clearer provisions. Anderson noted that the Ordinance specifically states that one family detached dwellings a.) Must show substantial benefit; b.) No other permitted use could be developed on the lot; c.) Applicant's inability to use the lot for another permitted use is not a self-created situation and, d.) Special use permits shall not be granted for any lot split after January 2014. This would eliminate creating new lots in that zone. Additionally, any site plan must satisfy the special use standards of the ordinance. The new parts are that the need for a special use permit cannot be self-created and lots cannot be split solely to build a single family home. This is not in the ordinance now but is in the proposed amendments.

Motion by Wall to schedule a public hearing on the B-3 amendment. Second by Smith.

All in favor. Motion carried.

8. Commissioner Comments

Wall: Thanks for letting me rant; I feel much better and my husband will be happy! Don't forget this weekend is Cruising for Kylie. Lots of classic cars and benefits cystic fibrosis; it's a wonderful car show and Kylie is a local girl who has cystic fibrosis.

Heinig: Thanks for your patience as I chaired the meeting tonight.

There were no other comments.

9. Adjourn

Motion by Wall, second by Smith to adjourn at 7:48 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6A
**Proposed Zoning Ordinance Amendment to Add
Single Family Dwellings to the B-3 Zoning District
Regulations**

Background Information:

In January of 2014, the planning commission held a public hearing on certain amendments to the B-3 waterfront Business zoning district. One amendment included provisions to allow single family homes on individual lots in the B-3 zone. This ordinance amendment was adopted by the city council on March 17, 2014.

Upon closer review, the city council determined that modifications were required to the amendment to clarify that no lots splits for single family homes will be allowed in the B-3 zone and the special use requirement that the parcel could not be used for another permitted use could not be the result of any action of the property owner.

Staff worked with the city attorney to draft appropriate clarifying amendments.

Recommendation:

Staff recommends that the planning commission adopt the attached resolution forwarding the amendment to the city council for adoption.

Attachments:

Proposed Zoning Ordinance Section 901 amendment
Resolution to city council

Respectfully submitted,
Linda Anderson
Zoning Administrator

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO - ____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE SOUTH HAVEN ZONING ORDINANCE TO ALLOW FOR ONE FAMILY DETACHED DWELLINGS IN THE B-3 WATERFRONT BUSINESS ZONE.

The City of South Haven Ordains:

SECTION 1 Amendment: Section 901 of the South Haven Zoning Ordinance is amended to read as follows:

ARTICLE IX
B-3 WATERFRONT BUSINESS DISTRICT

SECTION 901. USE REGULATIONS

Land, buildings or structures in this zoning district may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
 - a. The minimum size of the campground shall be three (3) acres.
 - b. Thirty (30%) percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
 - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of eighty (80') feet in width.
 - d. The campsites shall be set back from the property line a minimum distance of thirty (30') feet.
 - e. A recreational unit may be located at the campground for no more than twenty-one (21) consecutive nights. After five (5) nights out of the campground, the recreational unit may return again for no more than twenty-one (21) consecutive nights. A recreational unit shall not be located on the premises of a campground for more than forty-two (42) nights in any calendar year. Storage of recreational units for more than twenty-one (21) days is not permitted in a campground.
 - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is ninety six (96") inches. The

- campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
- g. There shall be a security fence surrounding the campground, with a minimum height of six (6') feet. There shall be security gates at the entrances.
 - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
 - 1) Allowed uses are convenience store, snack bar, laundromat, or similar uses.
 - 2) The accessory use is intended for use of occupants of campground only.
 - 3) The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.
 - 4) No signs advertising the accessory use shall face public streets.
 - 5) The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
 - 6) One structure is allowed to be used as an office.
 - 7) One mobile home is allowed in a campground as a caretaker's residence.
 - i. Home occupations are not permitted within the campground.
 - j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.
 - k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.
 - l. The maximum number of sites per acre of total campground area is 12 sites per acre.
 - m. The minimum area of each site is one-thousand-three-hundred (1300) square feet.
 - n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
 - o. Each entrance and exit to and from the campground shall be located at least twenty-five (25') feet distant from adjacent property located in any single-family residential district.
 - p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
 - q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one growing season; or 2) a solid wall or tight board fence six (6) feet in height.
 - r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
 - s. The City Fire Marshal may prohibit campfires as part of site plan approval.
5. Convenience store.
6. Dwelling above permitted use according to the standards in Section 601.16.

7. Marinas and marine services.
8. Miniature or par 3 golf course.
9. Motels, hotels or resort motels or hotels when authorized as a special land use (see Section 1510.22 and Section 1738). (Amended 8/21/06, Ord. 946)
10. Parking lots by special use permit.
11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII:
 - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
 1. Each dwelling unit shall have one (1) floor at ground level.
 2. No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge lines and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.
 3. The site plan shall be so planned as to provide ingress and egress directly onto a major or minor thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of the adjacent properties.
Where feasible, the Planning Commission may require that ingress-egress to parking facilities be provided from adjacent alleys so as to minimize curb cuts directly onto the major or minor thoroughfares.
 4. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.
 - b. Multiple-family dwellings and apartments where not all the units are at ground level. (Amended 6/6/05, Ord. 933)
12. Private clubs, fraternal organizations, lodge halls and convention halls.
13. Recreation centers and facilities by special use permit.
14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
15. Retail uses.
16. Accessory buildings and structures customarily incidental to the above uses.
17. One family detached dwellings by special use permit, subject to the following conditions:

- a. The applicant must show that the proposed use will be of substantial benefit to the city of South Haven and the waterfront business community.
- b. The applicant must show that no other permitted use is possible on the lot due its size or configuration.
- c. The applicant's inability to use the lot for another permitted use cannot be self-created, for example, but not for limitation, created by the sale of a portion of the property or adjacent property.
- d. Special use permits shall not be granted under this subsection for any lot created by lot split after January 1, 2014.
- e. The site plan submitted with the application must satisfy all additional requirements for special use permits in Section 1502 of this ordinance.

SECTION 2

If any portion of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 4

This ordinance shall take effect ten (10) days after its adoption or upon its publication in the *South Haven Tribune*, whichever occurs later.

INTRODUCED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this ---- day of ----, 2014.

ADOPTED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this ___day of _____, 2014.

Robert G. Burr, Mayor

CERTIFICATION

I, Amanda Morgan, Clerk of the City of South Haven, Van Buren County, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the ___ day of _____, 2014; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the ___day of _____, 2014.

Ordinance No. ____

Amanda Morgan, City Clerk

Ordinance No. _____

**PLANNING COMMISSION
CITY OF SOUTH HAVEN**

Van Buren and Allegan Counties, Michigan

Commissioner _____, supported by Commissioner _____, moved the adoption of the following resolution:

RESOLUTION 2014- 0009

**RESOLUTION APPROVING AND RECOMMENDING CITY COUNCIL
APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT TO
ORDINANCE SECTION 901-17**

Whereas, after providing notice in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance, the Planning Commission held a public hearing on July 10, 2014, to receive and consider public comment on the zoning ordinance text amendment and to review the information and materials available relating to the rezoning request; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. After reviewing the information, materials and comments available in relation to the proposed text amendment, pursuant to and in accordance with the MZEA and the factors and criteria provided by Section 2501 of the South Haven Zoning Ordinance, the Planning Commission makes the following finding:

Based upon the application and other submitted materials, the Planning Commission determines that the proposed amendment to zoning ordinance section 901-17 is appropriate with the intent of both the zoning ordinance and master plan for the City of South Haven.

2. The Planning Commission approves the amendment as submitted, (Case No. 2014-0009) and recommends that the City Council adopt the amendment.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTAIN: Commissioners: _____

ABSENT: Commissioners: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its Recording Secretary, I certify that this is a true and complete copy of a resolution adopted by the Planning Commission of the City of South Haven, Van Buren and Allegan Counties, Michigan, at a meeting held on July 10, 2014.

Date: July 10, 2014

Marsha Ransom, Recording Secretary



Agenda Item #6b 38 Northshore Drive Rezoning Request

City of South Haven

Background Information: Tom Brussee, owner of 38 Northshore Drive, has submitted an application to rezone his parcel from the B-3 Waterfront Business Zone to the R1-A Single Family Residential Zone.

Recommendation: Staff recommends that the planning commission review the application and narrative and carefully consider public comments before making any decision in this matter. The planning commission in this matter motion should be made in the format of a recommendation to city council.

Support Material:

Application
Aerial scan
Zoning Map indicating amendment area
Resolution of recommendation/denial to the city council

Respectfully submitted,
Linda Anderson
Zoning Administrator

REZONING APPLICATION
CITY OF SOUTH HAVEN
BUILDING SERVICES DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

Date: June 13, 2014 Applicant: Tom Brussee, Member of South Haven Landquest LLC
(If applicant is not the owner of the subject property, a letter granting said applicant authority is required.)

Applicant Address: 7858 Ravine Road, Kalamazoo, MI 49009

Applicant Phone Numbers: 269.217.3045

Applicant e-mail: tsbrussee@gmail.com

Subject Property Address: 38 North Shore Drive, South Haven (Legal Description & Survey attached as Exhibit "A")
(A legal description and survey of the subject property is required to be submitted with this application.)

Existing Zoning District: B-3

Zoning District Requested: R-1A

Attach a list of the conditions for approval which apply to your request and comment on how your request will meet those standards: *None.*

Applicant shall respond to the general standards in Sec. 2501 below and comment on how the requested Rezoning will meet the standards: *See attached Exhibit "B"*

General Standards - The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
- b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the application?
- c. What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- d. Does the proposed district change adversely affect environmental conditions, the character or the likely value of the surrounding property?
- e. Does the proposed district change comply with the adopted City Comprehensive Plan? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved.
- f. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located.
- g. Is another procedure, such as a variance, special land use or planned unit development procedure a more appropriate alternative than a rezoning?

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE PLANNING COMMISSION FOR REVIEW. THE UNDERSIGNED REALIZES THAT ANY INFORMATION SUPPLIED IN SUPPORT HEREOF THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE COMMISSION. SAID SIGNATOR ALSO ACKNOWLEDGES THAT IF THE PERMIT IS GRANTED, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF SAID APPROVAL OR SAID PERMIT APPROVAL BECOMES NULL AND VOID.

Applicant Signature _____

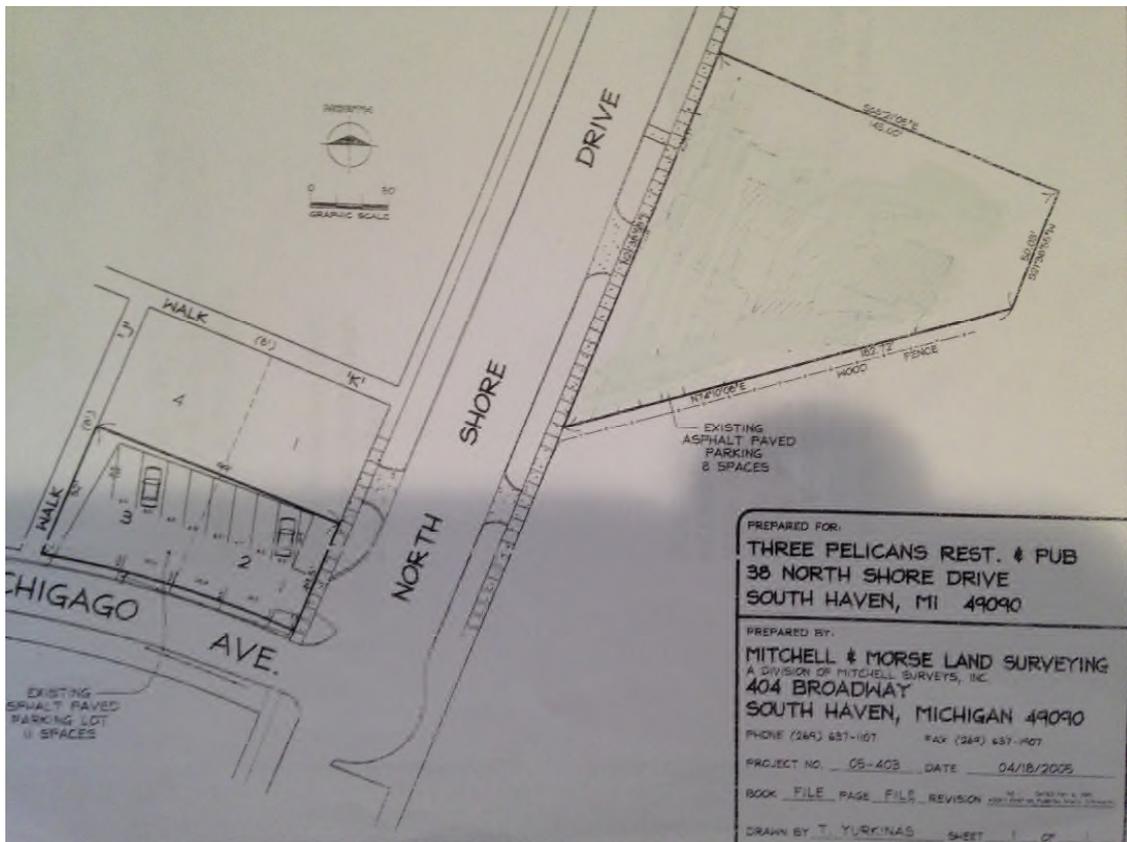


Date: 6-13-14

Fee Due With Application: \$400.00

Exhibit "A"

A Parcel of land being part of block 20, 21, 23, Monroe Park Subdivision and part of block 15 of Dyckman and Woodman's addition to the village (now city) of South Haven, sections 3 and 10, Town 1 South, Range 17 West, more particularly described as: commencing at the Northwest corner of lot 1 in block 20 of Monroe Park Subdivision; Thence South 21'36'55" West along the West line of Block 20, a distance of 210.24 feet to the true place beginning; Thence continuing South along 21'36'55" West along said West line of Block 20, a distance of 161.26 feet; Thence North 74'09'28" East, 182.75 feet; Thence North 21'38'55" East, 50.03 feet, Thence North 68'21'05" West, 145.00 feet to the place of beginning.



22408664.1\153234-00001

Exhibit “B”

a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?

- The City’s primary business district has become fairly clearly defined in a different location in the City as intended under the City’s Master Plan. The area surrounding the Property is zoned almost exclusively residential and/or used exclusively for residential purposes.¹
- The size and configuration of the Property is simply unable to facilitate the uses permitted as of right in the B-3 zoning district in compliance with the Zoning Ordinance, and particularly the parking requirements imposed thereby. Notably, this was true even prior to the the sale of the affiliated property across North Shore Drive and development thereof as residential property.

b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the application?

- None. The Property is seemingly unique in the City in that it is zoned for business uses in a part of the community which is, in fact, exclusively residential. It is unlikely that this situation exists, at least to this degree, in other portions of the City. As such, concerns about setting precedent should be minimal.

c. What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

- None. The requested rezoning would have the result of actually decreasing the demand on these services inasmuch as the permitted uses would be restricted to less intensive uses than are permitted under B-3.

d. Does the proposed district change adversely affect environmental conditions, the character or the likely value of the surrounding property?

- No. With respect to environmental conditions, the residential uses permitted under R-1A are less likely to result in adverse environmental conditions than the uses permitted under B-3. With respect to the character or likely value of the surrounding property, the requested rezoning would be significantly more harmonious with the surrounding property than the uses permitted under B-3. Moreover, any B-3 use will necessarily increase the parking burden on an already congested part of the community; an R-1A use, on the other hand, would have minimal off-site parking impact.

e. Does the proposed district change comply with the adopted City Comprehensive Plan? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved.

- Yes. The Master Plan designates this property as “Resort” (see the 2011 Future Land Use map on page 162 of the November 7, 2011, City of South Haven Municipal Master Plan).

¹ Note that the majority of the surrounding area is zoned R-1C. Inasmuch as R-1A is sufficient from the Applicant’s perspective, the Applicant is not requesting a rezoning to R-1C. If, however, the Planning Commission is inclined to grant the rezoning to an R-1 district and would prefer to rezone to R-1C for consistency purposes, that would be acceptable to the Applicant.

- The Master Plan does not go into great detail on what it intends by the use of the term “Resort” other than to indicate that it anticipates a mix of residential uses to maintain “a residential or ‘waterfront inn’ character....” The current B-3 zoning of the Property would permit a number of uses, as of right, which are incompatible with this objective (e.g. convenience stores, restaurants/lounges, retail uses, etc.). Rezoning the Property from B-3 to R-1A would further the Master Plan’s objective by eliminating the incompatible business uses which are permitted under the current B-3 zoning of the Property.
- This area is also situated in “Planning Area 2” as indicated on the Master Plan. Planning Area 2 indicates that the City should maintain the historic mix of seasonal rental, bed & breakfast, multi-family, and single-family detached uses in the area. Again, rezoning the Property from B-3 to R-1A would further this objective by eliminating the incompatible B-3 business uses (e.g. convenience stores, restaurants/lounges, retail uses, etc.).
- Although the “Resort” designation contained in the Master Plan does not have a direct Zoning Ordinance district analogue, the Zoning Ordinance itself does define the term “Resort” as follows: “A place of typically seasonal entertainment, recreation, and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.” In this way, the Zoning Ordinance carries forward the residential character of the “Resort” designation in the Master Plan by specifically including residential and residentially-compatible uses.

f. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located.

- No. As indicated above, the size and configuration of the Property is such that it is not economically viable under current zoning. For instance, the parking requirements of the zoning ordinance and the parking demands presented by the B-3 uses simply cannot be accommodated on this Property without significantly increasing the parking burden on the area; conversely, the parking requirements of R-1A could be accommodated on-site with no impact on the parking capacity of the area community.

g. Is another procedure, such as a variance, special land use or planned unit development procedure a more appropriate alternative than a rezoning?

- No. While the B-3 zoning district has been amended in recent years to permit residential use of B-3 property pursuant to special use permit upon a showing of, essentially, hardship, use of that procedure would keep the Property in the B-3 district with all of the dilatory aspects thereof (i.e. incompatible uses, significant parking demands, etc.). As discussed above, the only practical and rational use for this Property is residential. As such, keeping the Property in the B-3 district essentially requires the owner to make the required showings and submit to the conditions of a special use permit in order to put the Property to the only use to which it is reasonably suited. This is an unfair burden on the Property owner.
- Additionally, as demonstrated above, the residential uses permitted under R-1A are not only significantly more compatible and consistent with the surrounding properties, but also significantly more compatible with the City’s intended plan for this Property. By rezoning the Property from B-3 to R-1A, the City would be not only facilitating the owner’s desire to use the Property for the only use to which it is reasonably suited, but also furthering the objectives of the City’s Master Plan by eliminating the various B-3 uses which are wholly incompatible with the Master Plan’s “Resort” and “Planning Area 2” designations.

2011 ORTHO AERIAL MAPS

Showing Parcel Lines and Labels



2011 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2011. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

 60 US Feet
 2011 Digital Orthophotograph
 Municipal Name
 Municipal Border
 Railroads
 Public Roads
 Property Lines
 Subdivision Lines
 Condominiums Lines

Copyright © 2014 Land Information Access Association

**PLANNING COMMISSION
CITY OF SOUTH HAVEN**
Van Buren and Allegan Counties, Michigan

Commissioner _____, supported by Commissioner _____, moved the adoption of the following resolution:

RESOLUTION 2014- 0001

**RESOLUTION APPROVING AND RECOMMENDING CITY COUNCIL
(APPROVAL/DENIAL) OF A REZONING REQUEST SUBMITTED BY TOM
BRUSSEE FOR PROPERTY LOCATED AT 38 NORTSHORE DRIVE**

Whereas, on June 13, 2014, the Applicant submitted an application to rezone .35 acres (15,319 square feet) at 38 Northshore Drive from the B-3, Waterfront Business Zone to the R1-A Single Family Residential zone. The parcel number for the subject property is 80-53-823-002-10 and,

Whereas, after providing notice in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance, the Planning Commission held a public hearing on July 10, 2014, to receive and consider public comment on the rezoning application and to review the information and materials submitted by the applicant and others relating to the rezoning request; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. After reviewing the information, materials and comments submitted in relation to the rezoning application, pursuant to and in accordance with the MZEA and the factors and criteria provided by Section 2501 of the South Haven Zoning Ordinance, the Planning Commission makes the following finding:

Based upon the application and other submitted materials, the Planning Commission determines that the rezoning of the Property to I-1 is (consistent/inconsistent) with the existing Master Plan and that the uses permitted by right and special use within the I-1 zoning district are (consistent/inconsistent) with existing uses and the general character of the area surrounding the Property.

2. The Planning Commission (approves/denies) the rezoning application as submitted, (Case No. 2014-0008-REZ) and recommends that the City Council (adopt/not adopt) the amendment.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTAIN: Commissioners: _____

ABSENT: Commissioners: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its Recording Secretary, I certify that this is a true and complete copy of a resolution adopted by the Planning Commission of the City of South Haven, Van Buren and Allegan Counties, Michigan, at a meeting held on July 10, 2014.

Date: July 11, 2014

Marsha Ransom, Recording Secretary



City of South Haven

Agenda Item #7a Goodwill Site Plan Review

Background Information: Goodwill Industries of Southwestern Michigan has made application to build a new facility at 340 73 ½ Street. The proposed facility is 7,005 square feet in size and the use is permitted in the B-4 zoning district. This application requires site plan review by the planning commission as well as review by appropriate city departments. Those reviews, along with the zoning administrator review, are included in this agenda packet.

Recommendation: Given the extensive list of concerns from city departments, it is recommended that the planning commission delay final action on this site plan. The applicant should work with the city departments to correct any concerns and return to the planning commission for final approval when all concerns have been adequately addressed and city staff is satisfied with the site plan.

Support Material:

Application

Site Plan

Department reviews

- Zoning
- Electric
- SHAES
- Building

The city engineer has stated that there are a number of items he needs to see corrected or added to the site plan. Staff had not received his comments at the time this packet was compiled but will forward the information to the planning commissioners when it is received.

Respectfully submitted,
Linda Anderson
Zoning Administrator



June 17, 2014

Ms. Linda Anderson
Director of Building Services/Zoning Administrator
City of South Haven
539 Phoenix St.
South Haven, MI 49090

Re: New Goodwill Retail Store
340 73 ½ Street
South Haven, Michigan 49090
Project No. 13-122

Dear Linda,

The attached drawings are for site plan approval. The full drawings have been completed for the project and it has been bid with a successful bidder tentatively approved to complete the project. We will submit for a building permit and begin construction as soon as we received site plan approval.

Please do not hesitate if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kristopher Nelson', written over a faint grid background.

SCHLEY ARCHITECTS

Kristopher Nelson, AIA, LEED AP
Project Architect

Attachment

SITE PLAN APPLICATION
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

Project Address: 340 73 1/2 ST., SOUTH HAVEN, MI Tax ID 80-53-620-052-00

Applicant: SCHLEY ARCHITECTS Property Owner: GOODWILL INDUSTRIES

Appl. Address: P.O. BOX 19640 Owner Address: 420 E. ALCOTT

KALAMAZOO, MI 49019 KALAMAZOO, MI 49001

Applicant Phone: 269-375-8360 Owner Phone: 269-382-0490

Applicant Email: KNELSON@SCHLEY-NA.COM Owner Email: JDILLWORTH@GOODWILLSWMI.ORG

Current Use of Property: VACANT Zoning District of Property B-4

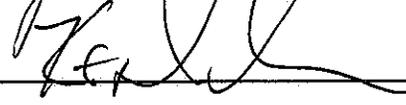
Project Description: NEW GOODWILL RETAIL STORE

PROPOSED USE: NEW RETAIL STORE

SECTION NUMBER WHICH PERMITS THIS USE: 1001.1 ALL USES PERMITTED IN B-2 ZONING (801.50 RESALE SHOP)

COMMENTS:

OWNER'S SIGNATURE:  DATE: 6-16-14

APPLICANT'S SIGNATURE:  DATE: 6.16.14

DATE SUBMITTED: 6/16/14 DATE ACCEPTED: _____ BY: _____

FEE: \$300.⁰⁰ DATE OF PAYMENT: 6/16/14

FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET

SETBACKS (IN FEET):

FRONT YARD: 35'

SIDE YARD: 20'

REAR YARD: 20'

SIDE YARD: 20'

LOT AREA (IN SQUARE FEET)

± 51,263 sq. ft.

LOT WIDTH (AT FRONT SETBACK)

± 160' (FRONT OF LOT IS CURVED)

AREA COVERAGE (BY ALL STRUCTURES)

± 16%

HEIGHT (AVERAGE OF PEAK AND EAVE)

27'-9"

OFF-STREET PARKING, SECTION 1800

PARKING USE GROUP:

RETAIL STORE

SECTION NUMBER:

1800.12.C.19

PARKING REQUIREMENT:

1 FOR EACH 150 sq. ft. of USABLE FLOOR AREA

PARKING REQUIREMENT
CALCULATION:

5,400 USABLE sq. ft. / 150

REQUIRED PARKING SPACES

36

PROVIDED SPACES

50

DIMENSION OF INDIVIDUAL PARKING SPACES

9x20

COMMENTS:



LETTER OF TRANSMITTAL

4200 S. 9th Street
PO Box 19640
Kalamazoo, MI 49019-0640
(269) 375-8360 Fax (269) 375-0566
www.schley-aia.com

Re: New Retail Store for:
Goodwill Industries of Southwestern Michigan
South Haven, Michigan
Project No. 13-122

Date: June 17, 2014

To: Ms. Linda Anderson
Director of Building Services/Zoning Administrator
City of South Haven
539 Phoenix St.
South Haven, MI 49090

WE ARE SENDING YOU: The Enclosed

VIA: Overnight Mail

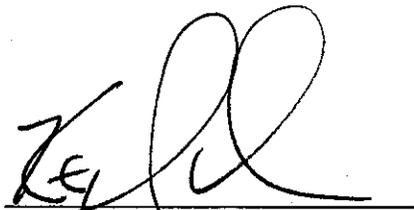
THE FOLLOWING ITEMS:

<u>Copies</u>	<u>Date</u>	<u>Description</u>
3 (sealed)	April 3, 2014	Site Plan Approval drawings (C1.0, C2.0, Survey, L1.0, A2.0)
1	6/16/2014	Site Plan Application
1	6/17/2014	Application Check for \$300.00 to the City of South Haven

THESE ARE TRANSMITTED FOR: Use in Site Plan Approval

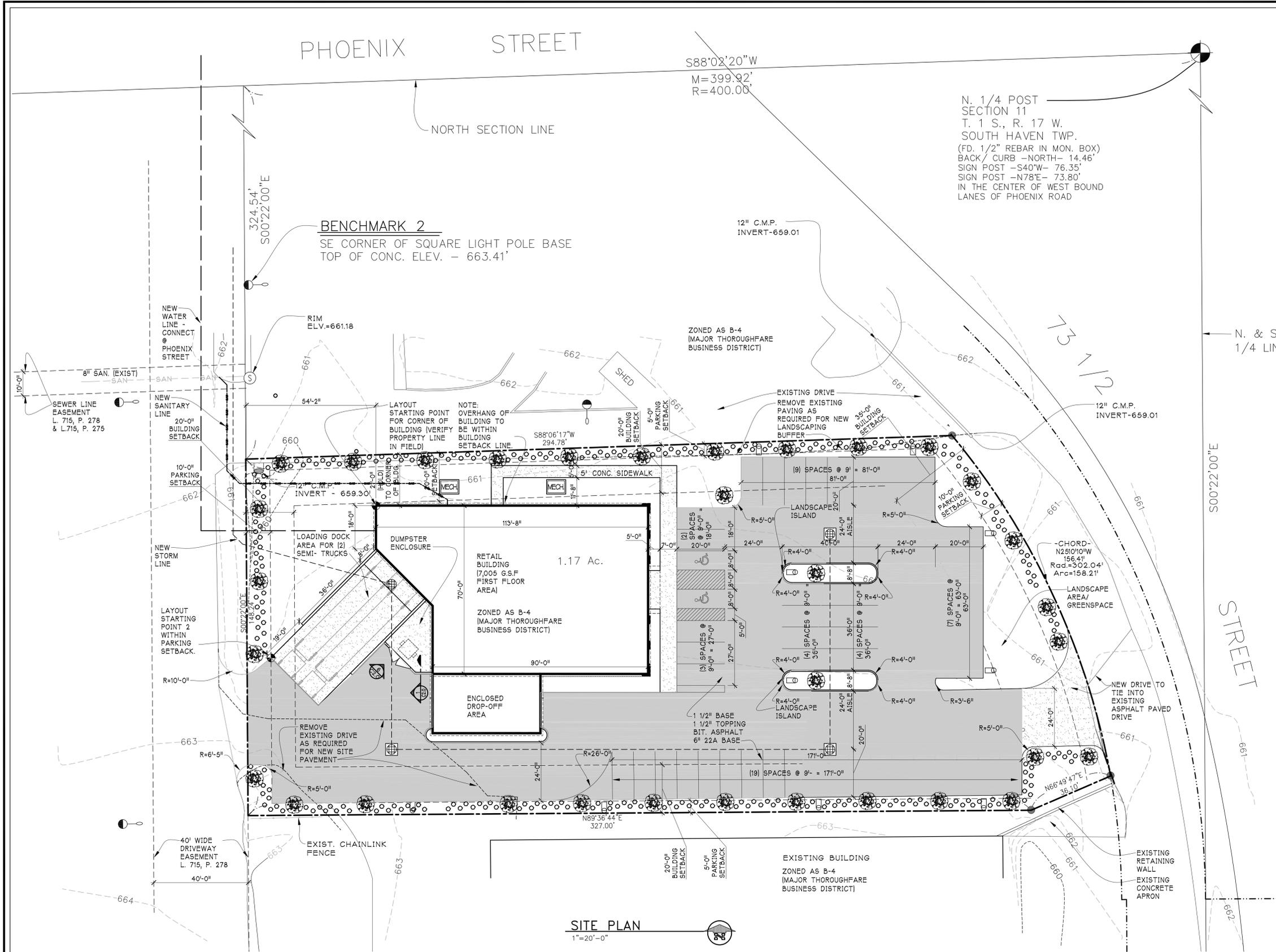
REMARKS:

SIGNED:



Kristopher Nelson, AIA, LEED AP
Project Architect

CC:



SITE PLAN
 1"=20'-0"

SITE DATA:

PROPERTY OWNER: JOHN DILLWORTH
 GOODWILL INDUSTRIES OF SOUTHWESTERN MICHIGAN
 4200 E. ALCOTT STREET
 KALAMAZOO, MI 49001

PROPERTY ADDRESS: 340 73 1/2 ST., SOUTH HAVEN, MICHIGAN 49090

ARCHITECT: SCHLEY ARCHITECTS
 4200 S. 9th STREET
 KALAMAZOO, MI 49009
 TEL: 269-375-8360

FURNISHED LEGAL DESCRIPTION:
 SITUATED IN THE CITY OF SOUTH HAVEN, VAN BUREN COUNTY, MICHIGAN
 PER CHICAGO TITLE INSURANCE COMPANY TITLE NO: 800633433NBU

COMMENCING AT THE NORTH QUARTER POST OF SECTION 11, TOWN 1, SOUTH
 RANGE 17 WEST; THENCE SOUTH 88d02'20" WEST ON NORTH SECTION LINE
 399.92 FEET (ALSO RECORDED AS 400.00 FEET); THENCE SOUTH 0d02'20"
 EAST PARALLEL WITH THE NORTH AND SOUTH QUARTER LINE 324.54 FEET TO
 BEGINNING; THENCE CONTINUING SOUTH 0d02'20" EAST TO A POINT 472.78
 FEET SOUTHERLY OF THE NORTH SECTION LINE; THENCE NORTH 88d36'44"
 EAST 327.00 FEET; THENCE NORTH 66d49'47" EAST 36.10 FEET TO THE
 WESTERLY LINE OF 73RD STREET; THENCE NORTHERLY ALONG SAID WESTERLY
 LINE TO A POINT NORTH 88d06'16" EAST OF BEGINNING; THENCE SOUTH 88d
 06'17" WEST 294.79 FEET TO BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO
 PHOENIX ROAD AS CREATED, LIMITED AND DEFINED BY THE AGREEMENT DATED
 JULY 17, 1980, AS RECORDED JULY 18, 1980 IN LIBER 715 ON PAGE 278, VAN
 BUREN COUNTY RECORDS.

PROPERTY SIZE: = 51,261 S.F. (1.17 ACRES)

PRESENT LAND USE: VACANT LOT/ PARCEL

PRESENT ZONING: "B4" MAJOR THOROUGHFARE BUSINESS

PROPOSED LAND USE: RETAIL STORE

PROPOSED BUILDING TYPE CONSTRUCTION:
 TYPE "" - ONE STORY METAL BUILDING

PROPOSED BUILDING HEIGHT: 31'-1" AT MIDPOINT OF HIGHEST ROOF.
 MEAN ROOF HEIGHT TO MEET CURRENT ZONING
 REQUIREMENTS

MINIMUM SPACING BETWEEN BUILDINGS: 20'-0"

LAND USAGE:
 BUILDING= RETAIL BUILDING = 14%
 PAVEMENT AND WALKS (INCLUDING LOADING DOCK AREA = 59%
 LANDSCAPING AND GREEN SPACE = 27%

PARKING REQUIREMENTS:
 (ONE STALL FOR 150 SQ. FT. OF USABLE FLOOR AREA AS PER ORDINANCE)

ONE BARRIER FREE MIN. PER 25 REQ. SPACES

FIRST FLOOR =5400 USABLE SF / 150= SPACES

TOTAL PARKING SPACES REQUIRED= 36 SPACES

PARKING SPACES PROVIDED:
 (48) SPACES @9' x 20'
 (2) SPACES @9' x 20' + 8' AISLE BARRIER FREE

TOTAL PARKING SPACES PROVIDED= 50 SPACES

LOADING AREA= NONE- LOADING DOCK FOR (2) SEMI TRUCKS

ALL FLOOR DRAINS TO BE CONNECTED TO SANITARY SEWER

EROSION AND SEDIMENT CONTROL WORK SHALL COMPLY WITH STANDARDS AND
 SPECIFICATIONS OF CITY OF SOUTH HAVEN, MICHIGAN

HAZARDOUS MATERIALS RIGHT- TO- KNOW FORM SHALL BE SUBMITTED WITH
 BUILDING PLANS

ALL PAVEMENT MARKINGS AND TRAFFIC SIGNS SHALL CONFORM TO "MMUTC"
 CURRENT EDITION.

BUILDING CODE: MICHIGAN 2009 BUILDING CODE.

OCCUPANCY USE GROUP "M" = MERCANTILE AND "S-1" = MODERATE-HAZARDOUS
 STORAGE

THIS SITE IS NOT LOCATED IN A FLOOD PLAIN

SIGNS: ALL SIGNS SHALL CONFORM TO CITY OF SOUTH HAVEN ZONING CODE AND
 BE SUBMITTED FOR SEPARATE PERMITS.

SITE LIGHTING:
 A. PARKING LOT LIGHTING SHALL BE "OFF" DURING NON- OPERATIONAL
 HOURS- 9:00 AM. TIL 4:00 P.M.
 B. ALL EXTERIOR LIGHTING SHALL BE CONTROLLED BY PHOTOCELL AND TIMER
 C. SOFFIT DOWNLIGHTS SHALL BE 175W MAXIMUM

D. ALL OUTDOOR LIGHTING WILL BE INSTALLED AND MAINTAINED CONSISTENT
 WITH SOUTH HAVEN ZONING CODE. ALL EXTERIOR LIGHTS SHALL BE SHIELDED
 AND SCREENED SO THAT NO LIGHT WILL GLARE DIRECTLY ONTO ANY PUBLIC
 RIGHT OF WAY OR INTO ADJACENT PROPERTY.

LANDSCAPING: AS SHOWN ON DRAWINGS, AND AT MINIMUM CONFORM TO
 SOUTH HAVEN ZONING REQUIREMENT FOR TYPE OF USE

GENERAL CONTRACTOR WILL PROVIDE NECESSARY SOIL BORINGS AS DIRECTED
 BY THE CITY.

CONTRACTOR WILL ALSO PROVIDE REQUIRED PERMEABILITY TESTS WHICH
 INCLUDE GROUNDWATER INFORMATION.

APPROPRIATE PERMITS TO BE OBTAINED FROM CITY OF SOUTH HAVEN,
 MICHIGAN.

GENERAL NOTES

- 1 THE OWNER WILL SUBMIT REQUIRED LANDSCAPE PLAN PRIOR TO ISSUANCE OF BUILDING PERMIT. LANDSCAPE REQUIREMENTS TO FOLLOW SECTION 42.572 OF THE PLANNING AND ZONING CODE CITY OF PORTAGE.
- 2 APPROPRIATE PERMITS TO BE OBTAINED FROM THE CITY OF SOUTH HAVEN.
- 3 AN EMERGENCY KEY BOX FOR FIRE DEPARTMENT ACCESS WILL BE PROVIDED. KEY BOX LOCATION TO BE DETERMINED UPON SUBMITTAL OF BUILDING PLANS
- 4 A FIREFIGHTER RIGHT- TO - KNOW HAZARDOUS MATERIALS RIGHT- TO- KNOW FORMS TO BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- 5 NOTE: THIS DRAWING WAS PRODUCED BASED FROM A TOPOGRAPHIC SURVEY PROVIDED BY MITCHELL AND MORSE LAND SURVEYING. REFER TO SUPPLEMENTARY SURVEY SHEET TS INCLUDED WITH THIS SET FOR EXTENSIVE LOCATIONS OF SECTION LINES (NOT SHOWN ON THIS SHEET). ALSO IF ELEVATIONS DIFFER THAN WHAT INDICATED, CONTACT ARCHITECT PRIOR TO PROCEEDING WITH WORK.

NOTE:
 ALL UTILITIES TO
 BE UNDERGROUND

72 HOURS
 BEFORE YOU DIG
 CALL MISS DIG
 1-800-482-7171

Project # **13-122**
 Date: April 3, 2014
 Copyright © 2014, Schley Architects, Inc.

New Retail Store for:
Goodwill Industries
 South Haven, Michigan

C1.0

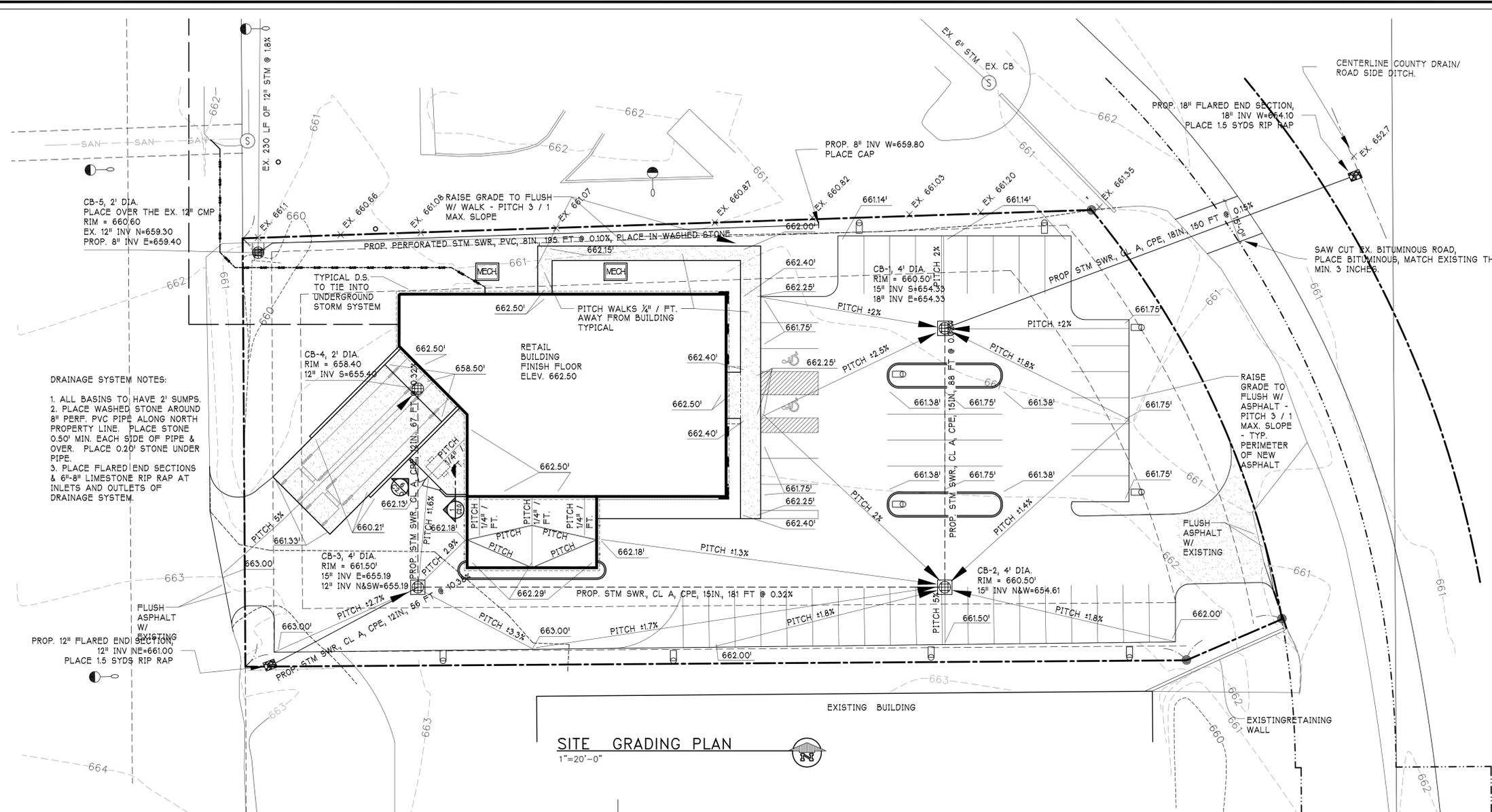
Schley Architects
 4200 South 9th Street, Kalamazoo, Michigan 49009
 Phone: 269-4919-0640
 Fax: 269-4919-0640
 Email: info@schley-arc.com

GENERAL NOTES

- REMOVAL ALL SITE SURFACE FEATURES WHICH ARE NOT SPECIFICALLY NOTED BUT ARE REQUIRED TO BE DEMOLISHED TO COMPLETE THE CONTRACT WORK.
- DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES
- PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL RULES AND REGULATIONS. ALL SUCH MEASURES WHETHER OR NOT SHOWN ON THE DRAWINGS SHALL BE MAINTAINED IN GOOD FUNCTIONAL CONDITIONS, AND WILL BE SUBJECT TO PERIODIC INSPECTIONS BY THE GOVERNING AGENCIES. REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES UPON COMPLETION OF WORKS AND AFTER PROVIDING PERMANENT GROUND COVER.
- PROVIDE ALL APPLICABLE PERMITS AND APPROVALS FOR WALKS, ALLOW FOR THICKNESS OF SOIL, TOPSOIL, PAVEMENTS, ETS. AS APPLICABLE.
- SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO PROVIDE POSITIVE DRAINAGE
- SUBCONTRACTOR SHALL USE EXTREME CAUTION WHEN WORKING IN THE VICINITY OF EXIST UTILITIES AND SHALL TAKE NECESSARY PRECAUTIONS (SHORING, BRACING) TO PROTECT EXISTING UTILITIES. ANY DAMAGE SHALL BE RESTORED AT HIS COST.
- FINAL GRADING AND PAVING ELEVATIONS SHOWN ON THIS SHEET REQUIRE OVERALL COORDINATION BY CONTRACTOR TO DEVELOPMENT AND ACTUAL SIZE AND CONDITIONS WHICH MAY REQUIRE ADJUSTMENT OF FINAL GRADING AND PAVING TO MEET INTENDED PROJECT DESIGN REQUIREMENTS. GENERALLY PAVING GRADES ARE INTENDED TO BE POSITIVE TO DRAIN BARRIER FREE AND ADA PARKING AREA SHALL BE AT : 2% CONFLICTS WITH THE PAVING DESIGN AND/ OR WHICH ARE ANY CONCERN TO THE CONTRACTOR SHALL BE BROUGHT TO THE ARCHITECTS ATTENTION FOR COMMENT BEFORE PROCEEDING WITH WORK.

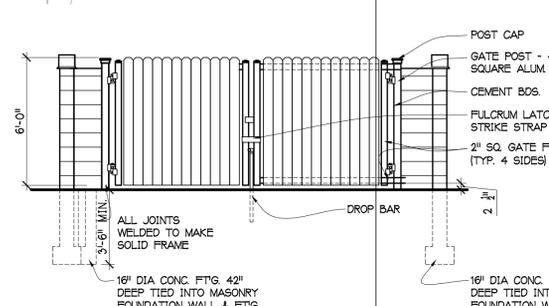
SOIL EROSION AND SEDIMENTATION CONTROL N

- ALL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO STANDARDS AND SPECIFICATIONS OF CITY OF SOUTH HAVEN, MICHIGAN
- DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENT CONTROL MEASURES, AND ANY NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- EROSION AND ANY SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON ANY OFF SITE AREAS OR IN WATERWAYS. WATERWAYS INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND PONDS.
- EROSION AND SEDIMENT CONTROL MEASURES ARE NOT TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENT CONTROL PRACTICES WILL BE APPLIED AS A PERIMETER DEFENSE AGAINST ANY TRANSPORTING OF SILT OFF THE SITE.
- CONTRACTOR SHALL APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. HE SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
- TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROLS ARE IMPLEMENTED. ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE CERTIFICATE OF OCCUPANCY IS ISSUED.
- ALL MUD AND DIRT TRACKED OR SPILLED ON PAVED ROAD SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY CONTRACTOR OR BUILDER.
- INSTALL SILT FENCE AROUND ANY AND ALL EARTHWORK OPERATIONS

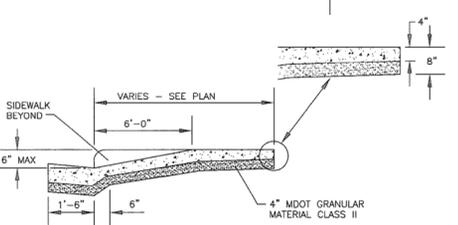


SITE GRADING PLAN

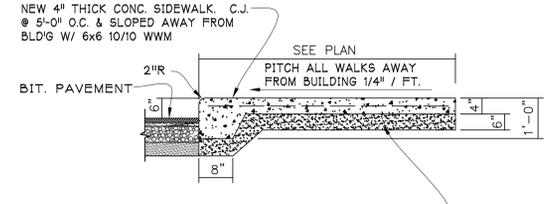
1"=20'-0"



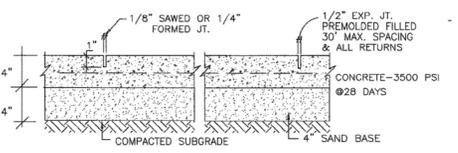
ELEVATION AT REFUSE ENCLOSURE
 1/4" = 1'-0"



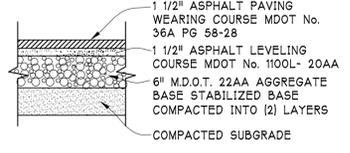
BARRIER FREE RAMP WITH GUTTER
 NOT TO SCALE



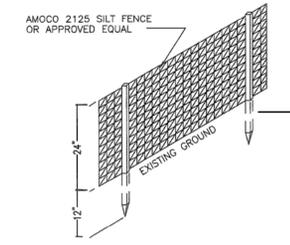
NEW CONCRETE SIDEWALK DETAIL
 N.T.S.



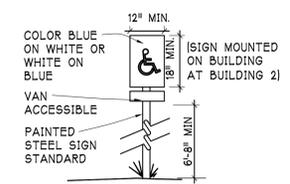
SECTION CONC. WALK PAVING DETAIL
 N.T.S.



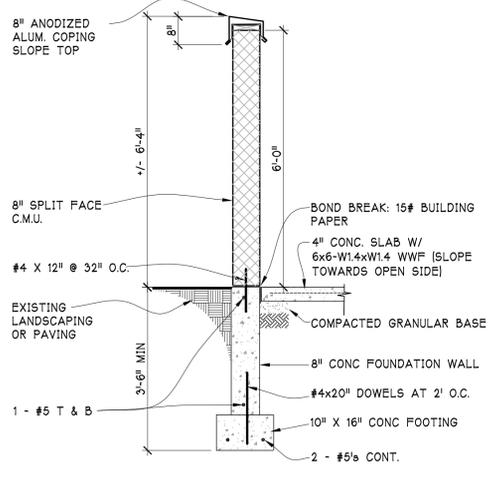
NEW ASPHALT PARKING DETAIL
 N.T.S.



SILT & EROSION FENCE DETAIL
 SCALE: NONE



ADA/BF SIGN
 N.T.S.



WALL SECTION @ REFUSE ENCLOSURE
 1/2" = 1'-0"

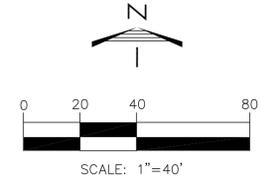
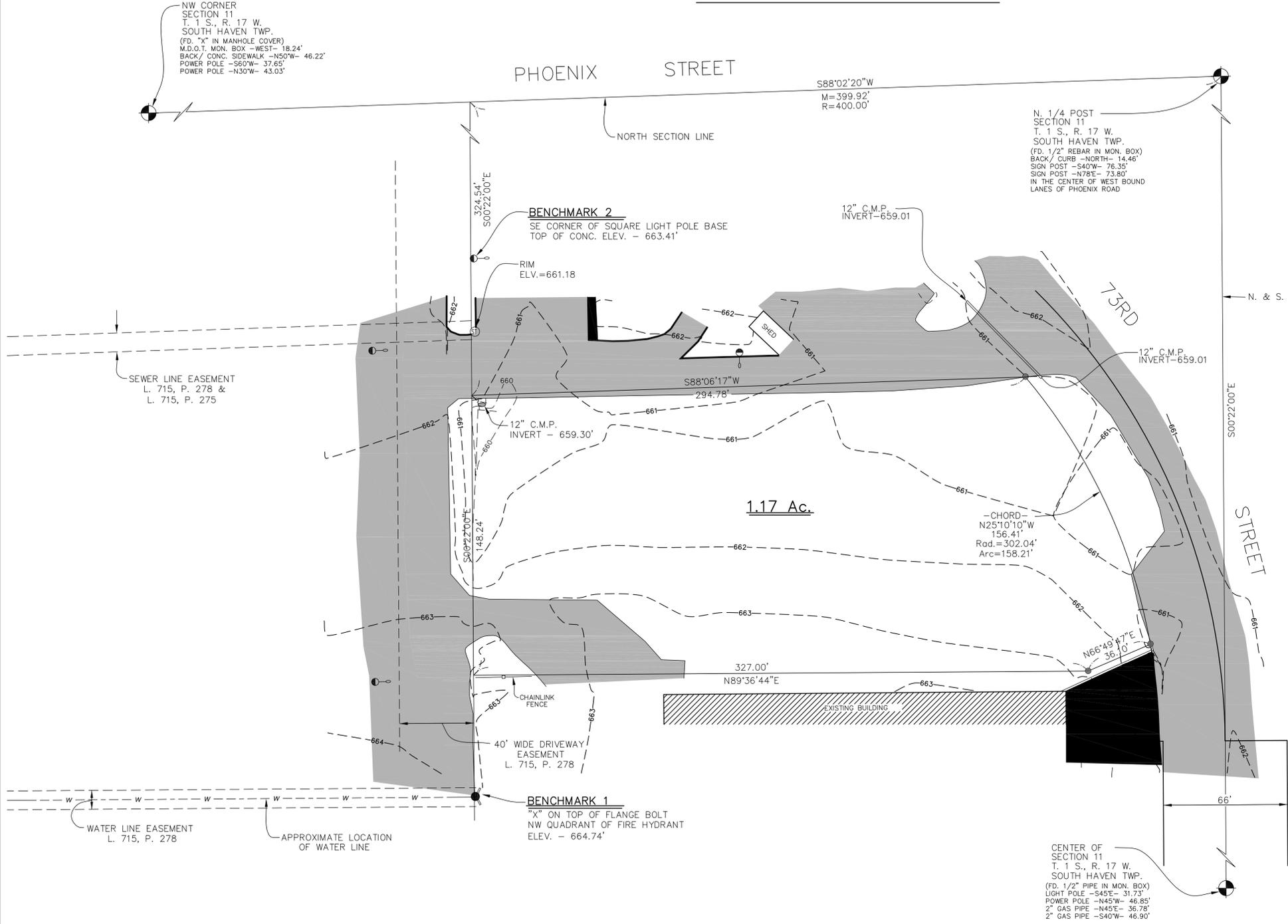
Schley Architects
 4200 South 9th Street, Kalamazoo, Michigan 49009
 Phone: 269-490-0640
 Fax: 269-490-0640
 Email: info@schley-arc.com

New Retail Store for:
Goodwill Industries
 South Haven, Michigan

Project #
13-122

C2.0

TOPOGRAPHIC SURVEY



FURNISHED DESCRIPTION

FURNISHED DESCRIPTION
 SITUATED IN THE CITY OF SOUTH HAVEN, VAN BUREN COUNTY, MICHIGAN
 PER CHICAGO TITLE INSURANCE COMPANY TITLE NO.: 800633433NBU

COMMENCING AT THE NORTH QUARTER POST OF SECTION 11, TOWN 1 SOUTH, RANGE 17 WEST; THENCE SOUTH 88° 02' 20" WEST ON NORTH SECTION LINE 399.92 FEET (ALSO RECORDED AS 400.00 FEET); THENCE SOUTH 00° 22' 00" EAST PARALLEL WITH THE NORTH AND SOUTH QUARTER LINE 324.54 FEET TO BEGINNING; THENCE CONTINUING SOUTH 00° 22' 00" EAST TO A POINT 472.78 FEET SOUTHERLY OF THE NORTH SECTION LINE; THENCE NORTH 89° 36' 44" EAST 327.00 FEET; THENCE NORTH 66° 49' 47" EAST 36.10 FEET TO THE WESTERLY LINE OF 73RD STREET; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO A POINT NORTH 88° 06' 17" EAST OF BEGINNING; THENCE SOUTH 88° 06' 17" WEST 294.78 FEET TO BEGINNING;

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO PHOENIX ROAD AS CREATED, LIMITED AND DEFINED BY THE AGREEMENT DATED JULY 17, 1980, RECORDED JULY 18, 1980 IN LIBER 715 ON PAGE 278, VAN BUREN COUNTY RECORDS.

LEGEND

- FIRE HYDRANT
- LIGHT POLE
- STORM MANHOLE
- ASPHALT
- CONCRETE

PREPARED FOR:

GOODWILL INDUSTRIES

PREPARED BY:

MITCHELL & MORSE LAND SURVEYING
 A DIVISION OF MITCHELL SURVEYS, INC.
 234 VETERANS BLVD.
 SOUTH HAVEN, MICHIGAN 49090

PHONE (269) 637-1107 FAX (269) 637-1907

PROJECT NO. 13-1022-B DATE 12-17-13

BOOK FILE PAGE FILE REVISION FILE

DRAWN BY J. MITCHELL SHEET 1 OF 1

PLANT LIST:

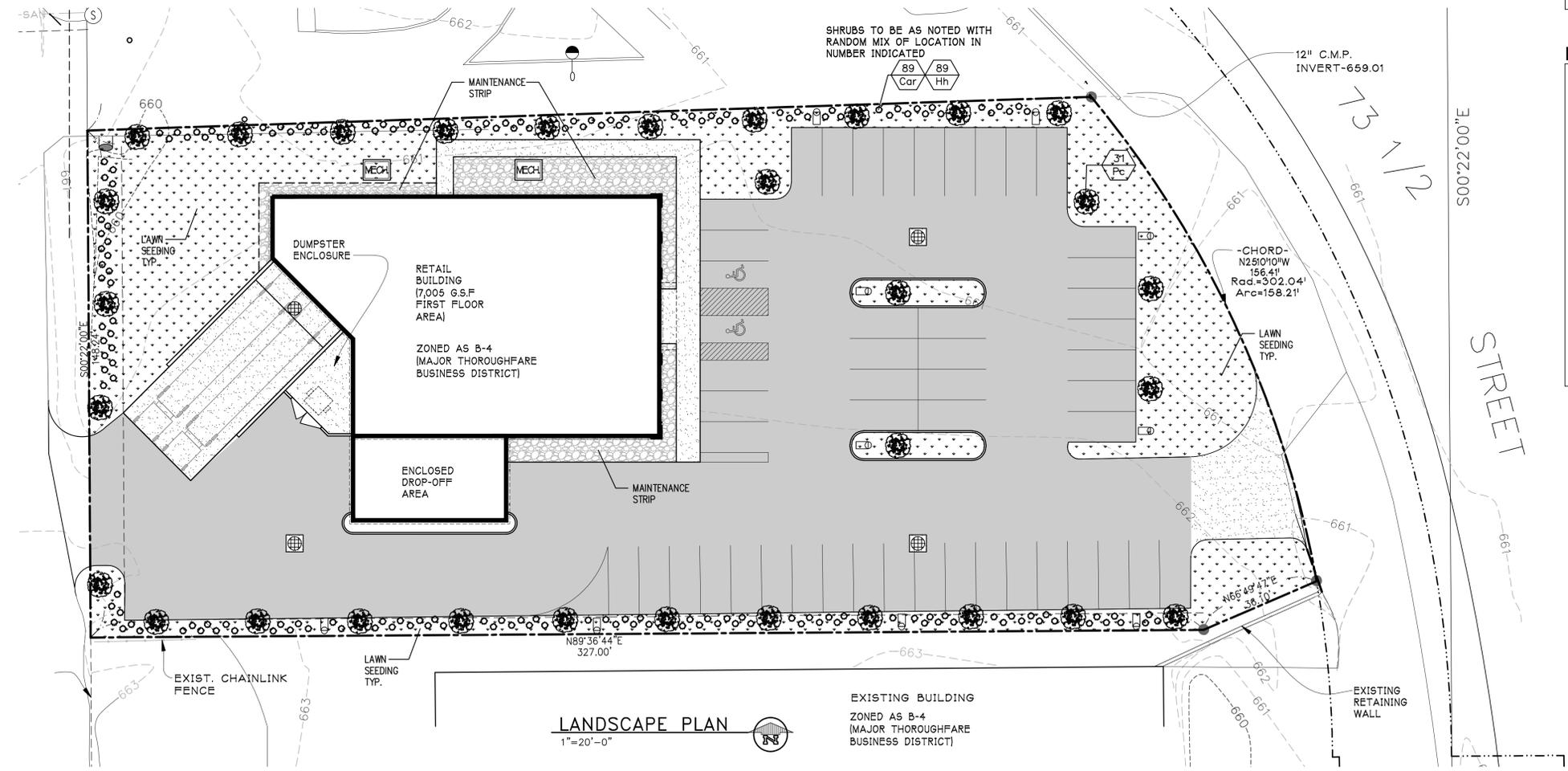
SYM.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COM.
Pc	<i>Pyrus calleryana</i>	Cleveland Pear	1-2" Cal.	B&B	
Hh	<i>Hypericum patulum</i> "Hidcote" <i>Cornus alba</i> "Red Gnome"	Hidcote Hypericum Regenzam Siberian Dogwood	2' Ht. 2' Ht.	Cont. Cont.	

PROPOSED FEATURES LEGEND:

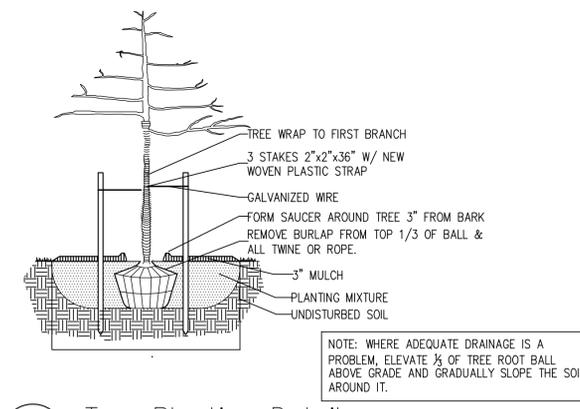
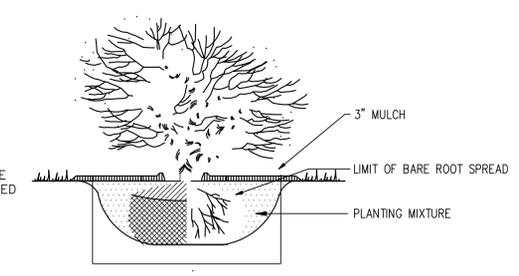
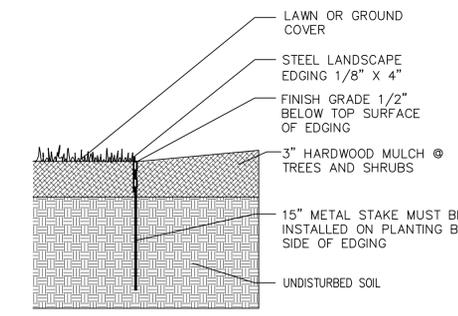
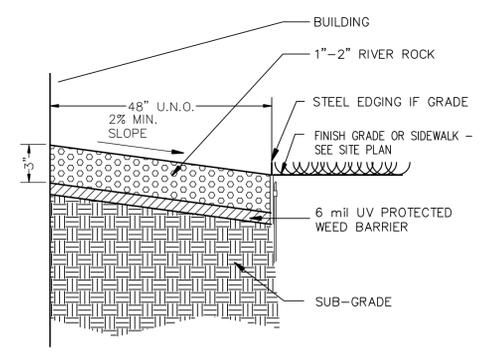
SYMBOL	DESCRIPTION	DETAIL
	DECIDUOUS TREES	1 / L1.0
	SHRUB	2 / L1.0
	LAWN SEEDING	
	MAINTENANCE STRIP	4 / L1.0
	STEEL EDGING	3 / L1.0
	PLANT TAG- REFERS TO TYPE AND NUMBER OF PLANTINGS TO BE PROVIDED AND MAINTAINED BY CONTRACTOR.	

LANDSCAPE NOTES:

1. SURVEY OF EXISTING CONDITIONS PROVIDED BY MITCHELL & MORSE SURVEYING, SOUTH HAVEN, MICHIGAN.
2. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
3. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE ARCHITECT IMMEDIATELY FOR RESOLUTION.
4. IN AREAS OF NEW TURF PLACE 4" MINIMUM TOPSOIL, FINE GRADE & ESTABLISH TURF WITHIN SEED LIMIT LINES.
5. PLACE SHREDDED HARDWOOD MULCH TO A 3" DEPTH IN ALL TREE & SHRUB BEDS & TO A 2" DEPTH IN ALL GROUND COVER BEDS.
6. UNLESS OTHERWISE NOTED, TOPSOIL, FINE GRADE AND SEED ALL DISTURBED AREAS WITHIN THE SEEDING LIMIT SHOWN AND AREAS DISTURBED BY CONSTRUCTION.
7. REPAIR AND RESTORE ANY DAMAGE OUTSIDE OF LIMIT OF WORK LINE TO ORIGINAL CONDITION.
8. ALL NURSERY STOCK SHALL BE TRUE TO TYPE AND NAME. ALL STOCK SHALL BE FIRST CLASS QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS HEALTHY ROOT SYSTEMS. ALL STOCK SHALL BE WELL FORMED AND THE TRUNKS OF TREES SHALL BE UNIFORM AND STRAIGHT.
9. UNLESS OTHERWISE SPECIFIED, ALL PERENNIALS, GRASSES AND GROUNDCOVERS SHALL BE GROWN IN THEIR CONTAINER FOR ONE YEAR PRIOR TO INSTALLATION.
10. REFER TO LANDSCAPE DRAWING FOR SITE LAYOUT, TYP.



LANDSCAPE PLAN
 1"=20'-0"



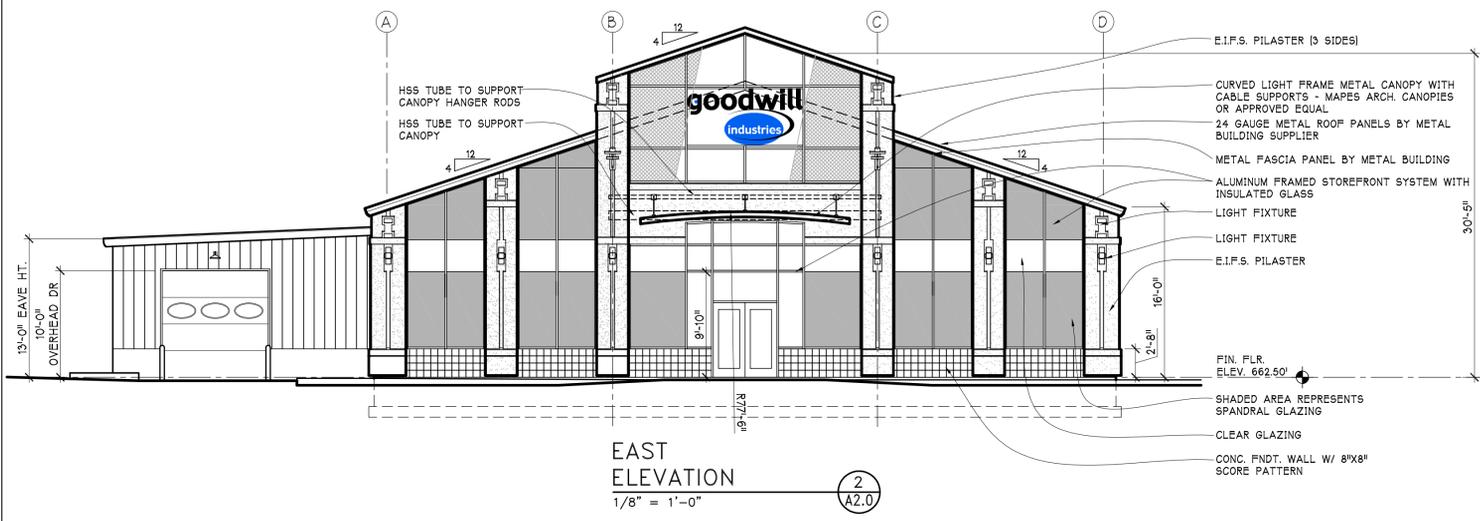
NOTE: WHERE ADEQUATE DRAINAGE IS A PROBLEM, ELEVATE 1/3 OF TREE ROOT BALL ABOVE GRADE AND GRADUALLY SLOPE THE SOIL AROUND IT.

New Retail Store for:

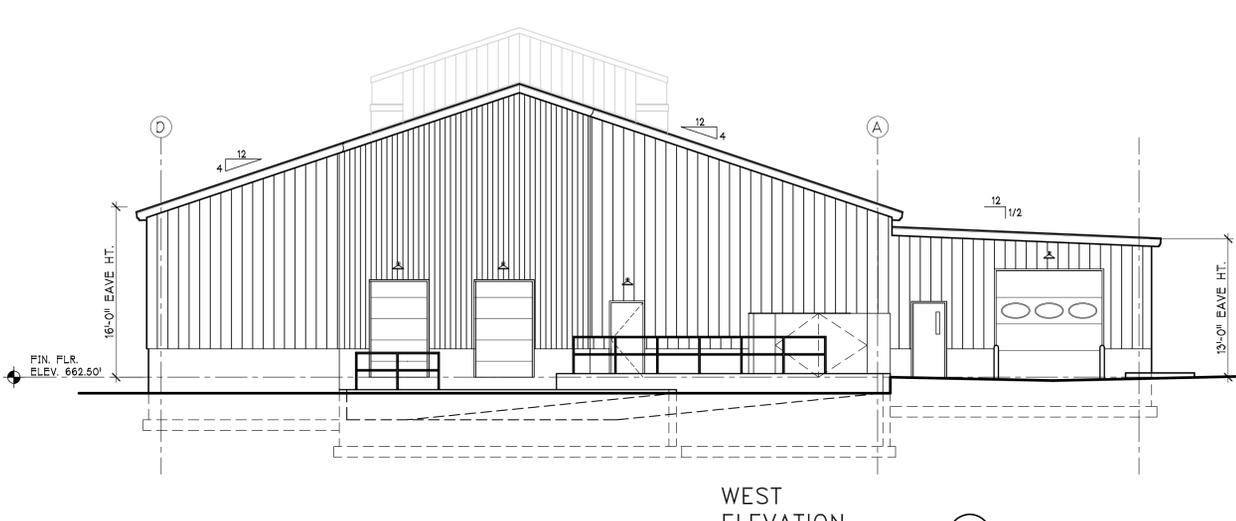
Goodwill Industries
 South Haven, Michigan

Date: April 18, 2014
 Project # 13-122
 ADDENDUM NO. 2
 Copyright © 2014, Schley Architects, Inc.
 LANDSCAPING PLAN & DETAILS

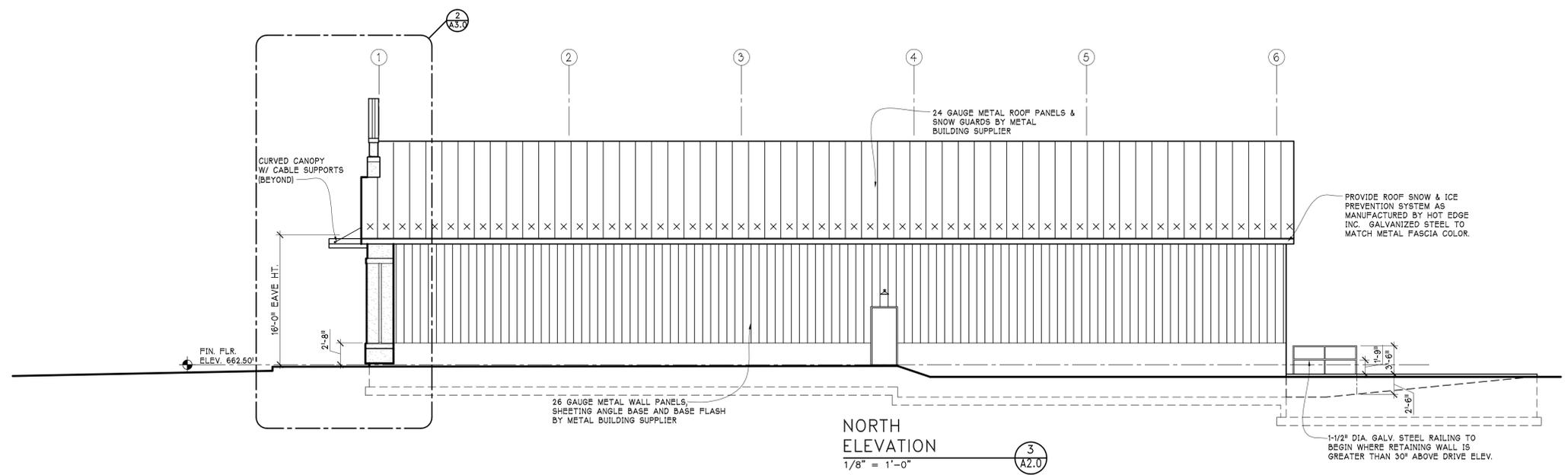
L1.0



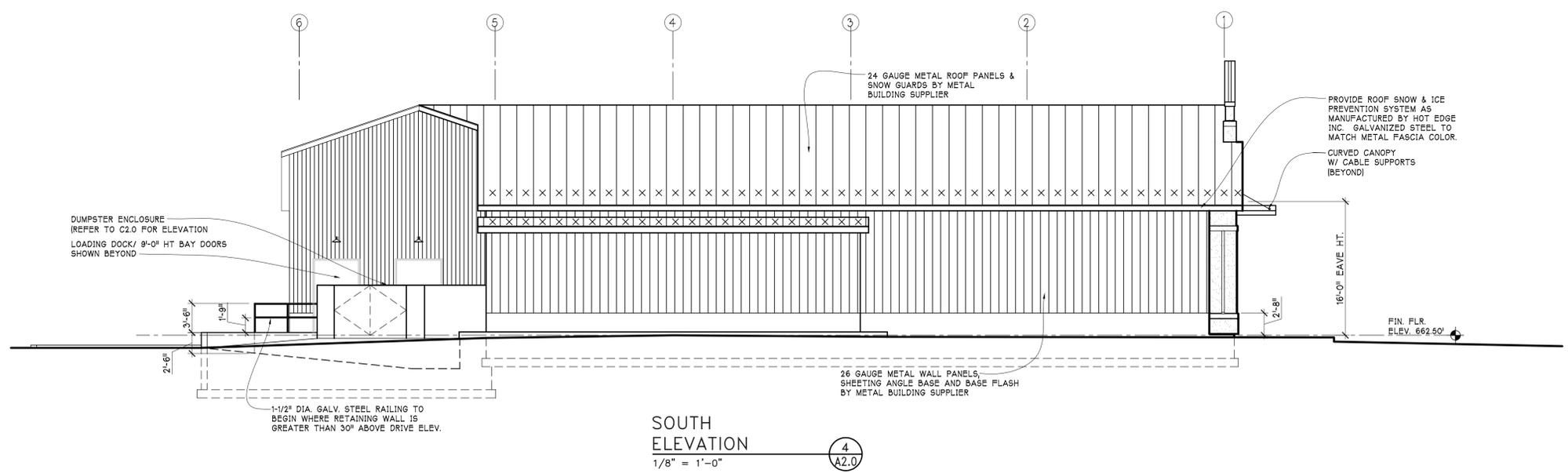
EAST ELEVATION
 1/8" = 1'-0"
 2
 A2.0



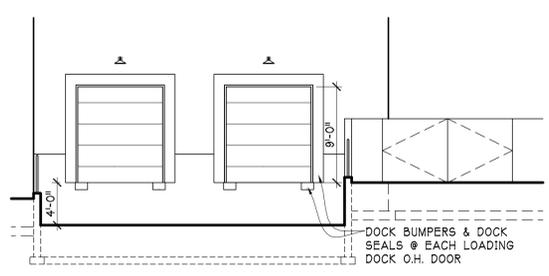
WEST ELEVATION
 1/8" = 1'-0"
 1
 A2.0



NORTH ELEVATION
 1/8" = 1'-0"
 3
 A2.0



SOUTH ELEVATION
 1/8" = 1'-0"
 4
 A2.0



LOADING DOCK ELEVATION
 1/8" = 1'-0"
 5
 A2.0

Schley Architects
 4200 South 9th Street, Kalamazoo, Michigan 49009
 P: 269-499-0640 F: 269-499-0640
 4200 South 9th Street, Kalamazoo, Michigan 49009
 P: (269) 375-8366 / Fax: (269) 375-0866 / mail@schley-arc.com

New Retail Store for:
Goodwill Industries
 South Haven, Michigan

Project # **13-122**
 Date: April 03, 2014
 Copyright © 2014, Schley Architects, Inc.
A2.0

Add area map needed

CITY OF SOUTH HAVEN
 SITE PLAN REVIEW FORM
 ZONING ADMINISTRATOR/PLANNING CONSULTANT REVIEW

PRELIMINARY SITE PLAN X FINAL SITE PLAN _____
 Date of Submittal June 17, 2014 Date of Submittal _____
 Date of PC Review July 10, 2014 Date of PC Review _____

Name of Applicant Schley Architects for Goodwill Industries
 Address of Applicant 420 E. Alcott, Kalamazoo, MI 49001
 Applicant Telephone No. (269) 375.8360
 Project Name (if any) New Goodwill Resale Store
 Brief Project Description Construct new store

CONTENT ACCEPTABILITY – PRELIMINARY SITE PLAN – SEC. 1403, pg 48

	<u>Provided</u>	<u>Not Provided</u>	<u>Not Required</u>
1. Legal description of property	<u> X </u>	_____	_____
2. Small scale sketch of properties, streets, 3. and uses of land within ½ mile of the area	_____	<u> X </u>	_____
4. Generalized map showing existing and proposed arrangement of:			
a. Streets	<u> X </u>	_____	_____
b. Lots	_____	_____	<u> X </u>
c. Access points	<u> X </u>	_____	_____
d. Other transportation arrangements	_____	_____	<u> X </u>
e. Buffer strips	<u> X </u>	_____	_____
f. Natural characteristics	_____	_____	<u> X </u>
g. Signs – location and lighting	<u> X </u>	_____	_____
h. Buildings	<u> X </u>	_____	_____
4. Sketch building elevations	<u> X </u>	_____	_____
5. A narrative providing:			
a. Objectives of the proposal	<u> X </u>	_____	_____
b. Number of acres allotted to each proposed use, and gross area in buildings, structures, parking, public and/or private streets and drives, and open spaces	_____	_____	<u> X </u>
c. Dwelling unit densities by type	_____	_____	<u> X </u>
d. Proposed method of providing sewer and water service, as well as other public and private utilities	<u> X </u>	_____	_____
e. Proposed method of providing storm drainage ...	<u> X </u>	_____	_____

- f. Proposed method of revegetating open land areas, both pre-existing and newly created, to a stable condition _____

6. Is the content of the site plan acceptable in relation to the size and complexity of the project?
 Yes No

If no, what additional information is needed?

- a. The landscape plan shows 50 parking spaces; the overall site plan shows 37.
- b. The parking configuration is also different on the two (2) maps
- c. The landscaping plan shows a different layout than the overall site plan, especially along 73 ½ Street.
- d. The General Notes, page C1.0, state that the landscaping will comply with Section 45.572 of the *City of Portage* Zoning Ordinance.
- e. The side setback is shown as 30' and 20'. Ordinance section 2405 requires 30 feet on each side
- f. The greenbelt area along the front (73 ½ Street) needs to be 25 feet deep in accordance with zoning section 2406-1
- g. Section 2406-1a requires that the front greenbelt have 2 shade trees and 3 ornamental trees for each 100 linear feet. This calculates to 3 shade trees and 5 ornamentals necessary for the 158 feet of frontage. The plantings may be along the street or along the building face.
- h. Section 2406-4 requires that parking lot landscape islands be designed with 160 square feet and 9 feet wide. The islands shown are 8 feet 8 inches wide
- i. It is required that one landscape island be installed at the above dimension for each 10 parking spaces. Island may be aggregated. Five islands are required for 50 parking spaces, totaling 800 square feet. The plan shows 720 square feet of island leaving a shortage of 80 square feet.
- j. Zoning section 2407-2a requires building to have at least 30% glass in the front façade. The proposed percentage is unknown.

Review performed by Linda Anderson

Date June 18, 2014

SITE PLAN REVIEW
ZONING ADMINISTRATOR/PLANNING CONSULTANT REVIEW
ZONING ORDINANCE COMPLIANCE

Preliminary Site Plan Final Site Plan

Project name, if any Goodwill Store

Project location 340 73 1/2 St

Brief project description Construct New building for Goodwill

	<u>Requirement</u>	<u>Proposal</u>
Use Regulations	<u>permitted</u>	<u>ok</u>
Comments	<u>via B-2 regs</u>	<u>ok</u>
Lot Area	<u>51,261² ft</u>	<u>ok</u>
Comments		
Lot Width	<u>NA</u>	<u>158 ft</u>
Comments		
Lot Area Coverage	<u>NA</u>	<u>40%</u>
Comments		
Front Yard	<u>50 ft</u>	<u>50 ft</u>
Comments		
Side Yards	<u>30 ft</u>	<u>30'/20'</u>
Comments		
Rear Yard	<u>30 ft</u>	<u>35'</u>
Comments		
Height	<u>45 ft</u>	<u>40'</u>
Comments		
Off-Street Parking	<u>36 sp. req'd</u>	<u>50 sp.</u>
Comments		

Rezoning needed? No

Special Use Permit needed? No

Variances needed? Not expected

Is the proposed project, as represented on the submitted site plan, in compliance with all applicable provisions of the zoning ordinance? Yes No If no, explain:
See zoning admin review

Review performed by Linda Anderson Date 6-19-2014



City of South Haven

Dept. of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Linda Anderson, Building & Zoning Administrator

Cc: Roger Huff, DPW Director
Ron Dotson, Operations Manager
Peter Van Dop, Chief Deputy Drain Commissioner

From: Larry Halberstadt, PE, City Engineer

Date: June 27, 2014

RE: Preliminary Site Plan Review
Goodwill Industries
340 73 ½ Street

Engineering Department Review:

NOT APPROVED

Storm Water Management

This site is located within the drainage district of and discharges to the North Phoenix Drain. The applicant has obtained a separate review and approval letter from the Van Buren County Drain Commissioner. Calculations should be submitted to the City for separate review.

The on-site storm sewers shall be designed to convey the runoff from the 10 year frequency storm. The on-site storm sewers discharge to a detention basin located on the east side of 73 ½ Street. The flood elevations within this detention basin should be considered when designing the on-site storm sewers to ensure that the hydraulic grade line of the detention basin does not lead to on site flooding of the Goodwill site or neighboring sites. Storm sewer calculations should be submitted for review and approval.

A portion of the Arby's site at 1250 Phoenix Street drains onto the Goodwill parcel. The Goodwill plan illustrates this surface water being intercepted by a new 8-inch diameter underdrain pipe and being routed to an existing 12-inch diameter storm sewer pipe. The use of an underdrain to intercept surface water is not an appropriate treatment. Underdrains are prone to long term failure when utilized to intercept surface water. Surface water runoff must be routed into a surface drainage system. The outlet of the existing 12-inch diameter storm sewer pipe crossing the Arby's parcel is not shown on the drawings. The location of this outlet pipe must be identified. If this pipe connects to MDOT storm sewer lines in Phoenix Street (BR-196), then a permit from MDOT may need to be obtained, prior to modifying the existing drainage system.

June 27, 2014
Preliminary Site Plan Review
Goodwill Industries
340 73 ½ Street
Page 2 of 4

Off-Street Parking Space Layout, Standards, Construction and Maintenance

The width, length, and aisle widths as shown all meet the requirements of Section 1801.2.

All site paving is shown as Portland cement concrete or asphaltic concrete and meets the requirements of Section 1801.8. It is recommended that the asphalt leveling course be changed to MDOT 13A mixture, that the thickness of the aggregate base be increased to 8-inches, and that a sand subbase be provided beneath the aggregate base. These measures will increase the life span of the pavement structure and prevent premature pavement failure.

Off-Street Loading and Unloading

The site plan illustrates two off-street loading and unloading spaces located in a dedicated truck dock area. The truck dock is located on the west side of the building. In order for trucks to back into the truck dock, they will need to utilize the driveway easement and paved area located west of the Goodwill Industries site. The paved parking area serves the Phoenix Square shopping center at 1220 Phoenix St. Parking spaces are striped across a portion of the 40 foot wide driveway easement area. The site plan should be revised to show the existing parking spaces that encroach onto the easement area and evidence must be submitted that trucks will not collide with cars parked in the spaces at 1220 Phoenix St.

Internal Traffic Requirements

MCL §257.942b requires that signs and traffic control devices within a parking area of a shopping center meet the requirements of the Michigan Manual of Uniform Traffic Control Devices (MMUTCD). Stop signs at the site access points and barrier free parking signs should be provided at this development.

Pedestrian Access

The site is not adjacent to any public streets that have public sidewalks. As a result, no pedestrian access facilities are being provided.

Sanitary Sewer Department Review:

NOT APPROVED

The site will be served by an 8-inch diameter sanitary sewer main located within an easement crossing 1220 Phoenix St. A new 6-inch diameter sanitary sewer service line must be extended from the main to the building. The length of the service and number of bends required in the service line will require at least one cleanout between the main and building.

Portions of the proposed sanitary sewer service are located outside of the developer's parcel and outside of public road right-of-way. The applicant must submit adequate documentation that they have permission to construct and maintain their private sewer service on the 1220 Phoenix St parcel.

The developer must make application for sewer service at South Haven City Hall and pay all fees required. Once fees are paid, the City will tap the sewer main and construct the service

June 27, 2014
Preliminary Site Plan Review
Goodwill Industries
340 73 ½ Street
Page 3 of 4

line to the edge of the sewer easement. The developer's contractor is responsible for completing the service line construction the remaining distance to the building.

Water Department Review:

NOT APPROVED

The Water Department has previously reviewed the water service connection requirements with the applicant. Although there is a 6-inch water main crossing the 1220 Phoenix St parcel, this is not considered to be a public main and the City will not permit any new service taps off this main. The nearest main available to provide service is located on the north side of Phoenix St (BR-196).

Portions of the proposed water service are located outside of the developer's parcel and outside of public road right-of-way. The applicant must submit adequate documentation that they have permission to construct and maintain their private water service on the 1220 Phoenix St parcel.

The Water Department is willing to provide service off the 12-inch main in Phoenix St. The developer must make application for water service at South Haven City Hall and pay all fees required. Upon making application for service, the City will determine the cost of providing service and bill the connection fee based on the time and materials required to complete the work. Once fees are paid, the City will tap the water main and construct the service line to the south parkway of Phoenix St. The developer's contractor is responsible for completing the service line construction the remaining distance to the building.

The developer is responsible to determine the necessary size required for the water service line. The City only provides services in the following sizes: 1", 2", 4", 6", or 8" diameter.

Street Department Review:

NOT APPROVED

The proposed development will be served by two access points. The rear entrance is connected to a 40 foot wide driveway easement located across the Phoenix Square development (1220 Phoenix St). The driveway easement provides access to Phoenix Street (BR-196) between 1200 Phoenix Street (Pri-Mar Petroleum) and 1250 Phoenix Street (Arby's). This driveway is immediately south of the main entrance to the Meijer store at 1223 Phoenix St. The Michigan Department of Transportation is currently performing a traffic study in this area. It is anticipated that a traffic signal will be erected at this location prior to the end of 2014.

The Goodwill development also proposes a front entrance driveway onto 73 ½ Street. This road is under the jurisdiction of the Van Buren County Road Commission. The applicant must obtain a permit from the VBCRC for construction of this driveway and for the proposed storm sewer crossing under 73 ½ Street. The Road Commission may require road widening, turning tapers, or other improvements to 73 ½ Street or may deny the applicant access at this location.

The site plan notes that the driveway onto 73 ½ Street will tie into an existing asphalt paved drive. The paved drive that is referenced appears to be a paved shoulder. The paved shoulder ends approximately 40 feet north of the southeast property corner. However, the proposed driveway extends approximately 65 feet north of the southeast property corner. Thus, a portion

June 27, 2014
Preliminary Site Plan Review
Goodwill Industries
340 73 ½ Street
Page 4 of 4

of the proposed driveway is shown connecting to an unpaved shoulder area. This is not an acceptable driveway configuration.

City of South Haven
Site Plan Review
Electric Department

Preliminary Site Plan Final Site Plan
Project name, if any Goodwill Store Construction
Project location Phoenix + 73 1/2 St
Brief project description Build New Store

Is primary electric available at the site? Yes No
If no, distance of extension needed? _____

Will lines or poles have to be relocated? Yes No
If yes, explain: _____

Responsibility for extension or relocation costs: City Developer
Comments: _____

Will a cost estimate for work be needed by the City? Yes No
If yes, explain: We need to receive aid for construction

Does the City have an easement for the existing primary lines? Yes No
If yes, describe: _____

Is the easement shown on the plans? Yes No
Will the developer need to provide an easement for an extension or relocation? Yes No
If yes, required length: 135' Required width: 20'

If a service request form required? Yes, attached No

Are street lights requested? Yes No

Are plans, as submitted, acceptable to the electric department? Yes No
If no, explain: We need to see final electric design plans.

Additional comments/recommendations:

Review performed by Bill Conklin Date 6/27/14

SITE PLAN REVIEW

Preliminary Site Plan Final Site Plan

Name of Applicant: Schley Architechs

Address of Applicant: 4200 South 9th st Kalamazoo, Mi 49009

Applicant Telephone No: 269-375-8360

Project name, if any: Goodwill store

Project location: 340 73 1/2st South Haven, Mi

Brief project description: construction of a goodwill store

Are fire hydrants available at the site? Yes No

Comments: none listed on drawing location in relation to project needed.

Is water pressure adequate for the project? Yes No

If no, explain: none listed

Does project layout provide easy access for fire protection? Yes No

If no, explain: _____

Are the proposed plans acceptable to the Fire Department? Yes No

If no, explain: _____

Other comments / recommendations:

install knox box,

Review performed by Deputy Chief Tony Marsala Sr

Date 06-27-14

SITE PLAN REVIEW
BUILDING INSPECTOR

Preliminary Site Plan Final Site Plan
Name of Applicant Goodwill Industries
Address of Applicant _____
Applicant Telephone No. (_____) _____
Project Name (if any) RESTAURANT
Brief Project Description _____

Plans have been reviewed and found to be: Acceptable Unacceptable

If unacceptable, explain: _____
NOT ACCEPTED CONSTRUCTION DRAWINGS FOR PLAN REVIEW

Other comments/recommendations: SITE PLAN & DRAWINGS REVIEW BY ZONING & PUBLIC WORKS

Review performed by RP Title Building Official

Print Name Ross P. P. P. Date 6/27/14



Agenda Item #7b Draft Noise Ordinance

City of South Haven

Background Information:

Since March 26, 2013, a subcommittee of the planning commission has been working on amendments to the city noise ordinance. This is a project requested of the planning commission by the city council to complete one of their 2014-2015 adopted goals. As part of this process, the subcommittee met with the city mayor, police chief and the directors/managers of the City Housing Commission and Old Harbor Village. In May of this year, the subcommittee, with the help of the police chief, heard a demonstration of decibel levels to aid in establishing maximum noise levels.

The subcommittee has now completed work on a draft ordinance amendment and is ready for planning commission review and comment.

Recommendation:

No action is required at this time but staff asks that the members take some time to review the draft and be prepared to discuss any changes. A public hearing may be scheduled for the August meeting.

Support Material:

Draft Noise Ordinance
City Comparisons

Respectfully submitted,
Linda Anderson
Zoning Administrator

ENVIRONMENT

ARTICLE I. IN GENERAL

Secs. 30-1—30-26. Reserved.

ARTICLE II. NOISE

Sec. 30-27. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient Noise Level (or Continuous Background Sound Level) means the amount of inherent background noise at a given location. This includes, but is not limited to, traffic, essential machinery, normal speaking voices and interaction of the wind with the landscape as measured on the dB(A) weight scale defined by the American National Standards Institute.

Commercial means property located within the following Zoning District Designations: CBD Central Business District; B-1 Neighborhood Business District; B-2 General Business District; B-3 Waterfront Business District; and PUD Planned Unit Development – Residential or PUD Planned Unit Development – Commercial.

Decibel means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound to the human ear, in compliance with American National Standards Institute Standard S 1.1-1960.

Decibel on the A-weighted network or dB(A), means decibels measured on the A-weighted network of a calibrated sound level meter utilizing the A-Level weight scale and the fast meter response, as specified in American National Standards Institute standards S1.4-1971.

Fast Meter response means the meter ballistics of meter dynamic characteristics as specified by American national Standards Institute Standard S 1.4-1971

Industrial means property located within the following Zoning District Designations: I-1 Light Industrial Districts; and I-2 General Industrial District.

Property line means the imaginary line which represents the legal limits of property; including an apartment, condominium, room or other dwelling unit, owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

Residential means property located within the following Zoning District Designations: R-1 and R-2 One Family Residential Districts and RM-1 Multiple Family Residential District.

Sec. 30-28 General Prohibitions.

No person shall create, assist in creating, permit, continue or permit the continuance of any noise that exceeds the limitations set forth in this article within the city. All noises that violate the restrictions of this division are hereby declared to be public nuisances.

Sec. 30-29. Specific Prohibitions.

No person shall conduct or permit any of the following activities if such activity produces frequent or long-continued noise that is clearly audible at or beyond the property line of the property on which they are conducted. The prohibitions of this section apply even if the sound level produced by a prohibited activity does not exceed the applicable level specified in Section 30-30.

- (1) *Insect or animal control devices.* The operation, between 10:00 p. m. and 7:00 a.m. of any device which produces an audible sound for the purpose of killing, trapping, attracting, or repelling insects or animals.
- (2) *Animal or bird sounds.* The keeping of any animal or bird which creates frequent or long-continued noise.
- (3) *Attention arresters.* The sounding, between 10:00 p.m. and 7:00 a.m. of bells, chimes, sirens, whistles or similar devices.
- (4) *Shouting and whistling.* Yelling, shouting, shooting, whistling or singing on the public street between the hours of 10:00 p.m. and 7:00 a.m.
- (5) *Machines or devices for producing or reproducing sound.* Use, operate or permit to be operated, any radio receiving set, musical instrument, phonograph, magnetic tape player, compact disk player, or other machine or device for producing or reproducing of sound, from a moving or stationary vehicle in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the vehicle in which such machine or device is operated and who are voluntarily listeners thereto. The operation of any such set, instrument, photograph, machine or device in such a manner as to be plainly audible at a distance of 25 feet from the property line during the hours of 11:00 p.m. to 7:00 a.m. or 50 feet from the hours of 7:00 a.m. to 11:00 p.m. in any area whether inside or outside of the vehicle in which it is located.

Sec. 30-30. Decibel Level Limitations.

- (a) No person shall conduct or permit any activity, including those specific prohibitions listed in Section 30-29 that produces a dB(A) at or beyond the property line of the property on which it is conducted which exceeds the levels specified in Table I. Such noise levels shall be measured on the property line or on the adjacent property which is receiving the noise.

Table I

Land Use producing the sound	7:00 a.m. to 11:00 p.m. dB(A)	11 p.m. to 1:30 a.m. dB(A)	1:30 a.m. to 7:00 a.m.
Residential/ Commercial	70	60	Ambient Noise Level Only
Industrial	75	75	75 dB(A)

Sec. 30-31 General Exemptions.

The following activities are exempted from the sound level limitations of this division:

- (1) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities or to protect persons or property from imminent danger.
- (2) Sound made to alert persons to the existence of an emergency, danger or attempted crime.
- (3) Activities or operations of governmental units or agencies.
- (4) Parades, concerts, festivals, fairs or similar activities subject to any sound limitations included in the approval by the city.
- (5) Lawn maintenance and snow removal on individual lots between 7:00 a.m. and 8:00 p.m. for periods not to exceed two (2) hours.
- (6) *Construction sounds.* Construction, repair, remodeling, demolition, drilling, wood cutting or excavating work conducted between 7:00 a.m. and 6:00 p.m. Mondays through Saturdays, except legal holidays, which does not produce a sound level exceeding 100 dB(A) at or beyond the property line of the property on which the work is being conducted.

Sec. 30-32. Test Procedures.

(a) *Generally.* Test instruments and procedures used for implementation and enforcement of this section shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc. and the American National Standards Institute, Inc. for the measurement of motor vehicle sound levels. The department of state transportation (MDOT) has promulgated rules establishing these test procedures.

(b) *Exemptions for time to comply.* Upon good cause shown by the owner or responsible party for any noise source, the City Manager shall have the power to grant an exemption from the requirement of this ordinance in order to allow sufficient time for an installation of needed control equipment, facilities, or modifications to achieve compliance, not to exceed ten (10) days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the City Manager.

Sec. 30-33. Special Waivers.

(a) The City Manager shall have the authority, consistent with this ordinance, to grant special waivers.

(b) Any person seeking a special waiver pursuant to this ordinance shall file a written application with the City Manager. The written application shall contain information which demonstrates that bringing the source of sound or activity for which the special waiver is sought into compliance with the ordinance would constitute an unreasonable hardship on the applicant, on the community, or for another purpose.

(c) In determining whether to grant or deny the application, the City Manager shall balance the hardship to the applicant, the community, and other persons of not granting the special waiver against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of granting a special waiver.

(d) Special waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The special waiver shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special waiver shall terminate it and subject the person to holding it to those provisions of this ordinance regulating the source of sounds or activity for which the special waiver was granted.

Sec. 30-34. Social Gatherings and Parties.

(a) Any person who is planning a social gathering or party at which it is anticipated that the noise levels will exceed those set forth in Section 30-30 herein may file a written application with the City Manager for a special waiver from said noise levels.

(b) Any persons seeking such a special waiver shall indicate in his or her application to the City Manager the specific reason why he or she will not be able to meet the established noise levels. The applicant shall also include a written statement that he or she has personally contacted all residents of properties abutting the property in question and none oppose the special waiver being requested. For purposes of the preceding sentence, when an applicant's property abuts on a street the applicant will also be required to notify and receive permission from residents directly across said street.

(c) Should the applicant be granted a special waiver pursuant to this subsection, it will be subject to the condition that any such special waiver will expire at 10:00 p.m. on Sunday through Thursday evenings and midnight on Friday and Saturday evenings.

Sec. 30-35. Enforcement and Penalties.

(a) *Generally.*

- (1) Any person who violates any portion of this ordinance, first offense, shall receive a civil infraction citation.
- (2) If the order to cease or abate the noise is not complied with, or is complied with and then violated again within sixty (60) days, the person or persons responsible for the noise under Section 30-28 shall be charged with a misdemeanor offense subject to imprisonment for up to ninety (90) days and/or up to \$500 fine or both.

Should any of the article, section, paragraphs, sentences, clauses or phrases of this chapter be declared unconstitutional or invalid, at the valid judgment or decision of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the chapter in its entirety or any of the remaining articles, sections, paragraphs, sentences, clauses and phrases.

Drafted June 5, 2014, 2014

Noise Ordinance Comparisons Selected Michigan Communities

MUNICIPALITY	DAYTIME LIMITS	NIGHT LIMITS
South Haven		
• Residential	80	60
• Commercial	90	75
• Industrial	80 ¹	60
Douglas		
• Residential	70	65
• Commercial	70	65
• Industrial	NA	NA
Kalamazoo		
• Residential	50	45
• Commercial	55	50
• Industrial	75	70
Traverse City²		
• Residential	65	60
• Commercial	70	70
• Industrial	75	70
Ludington		
• Residential	65	55
• Commercial	75	65
• Industrial	85	70
Grand Haven Township		
• Residential	65	55
• Commercial	60	60
• Industrial	70	70

The cities of **Muskegon** and **Grand Haven** do not have decibel limits in their noise ordinances but both regulate noise in the overnight hours by stating that no noise shall be audible 50 or 100 feet (respectively) from the noise source. Daytime limits are additionally vague and subjective.

The City of **Manistee** has a decibel limit of 60 at any time in the city.

Waterfront cities without specific decibel or distance limits in their ordinance:

Bridgman
Charlevoix
Petoskey
Grand Haven (City)
St. Joseph
Saugatuck
New Buffalo
Holland

¹ When abutting residential properties

² Traverse City also has designated noise sensitive areas such as churches and libraries where the decibel limits are set by city council resolution on a case by case basis.



Agenda Item #7c Nonconforming Mini Storage Expansion

City of South Haven

Background Information: The owner of JA Mini Storage, Jeff Aldous, is requesting a permit to add two (2) additional storage buildings to his business at 1505 2nd Avenue. This property is zoned B-2 General Business which does not include mini storage facilities as a permitted or special use. This facility has been in existence since 1999 and it appears it was originally allowed through the use variance process. A use variance allows the development of a use that is not otherwise permitted in the zoning district provided the applicant is able to demonstrate that the property cannot reasonably be used for another permitted use. Use variances are considered by the zoning board of appeals after a review by the planning commission.

The last expansion of this facility was in 2005 (minutes included in this packet). At that time, the planning commission approved the expansion as a special use under zoning ordinance section 801-59 which allows the planning commission to permit similar uses through the special use process. Both the zoning administrator at that time and the planning commission decided for that option over another use variance.

In order to move forward on this request, staff is asking the planning commission to determine whether to process this as a special use request or send it to the zoning board of appeals as a use variance.

Recommendation: Staff recommends that, once a formal request is received, the planning commission hold a special use public hearing regarding the expansion. Since this is the most recent method of expansion approval, it is reasonable to continue that practice.

Support Material:

Planning Commission minutes of January 6, 2005

Respectfully submitted,
Linda Anderson
Zoning Administrator

PLANNING COMMISSION
REGULAR MEETING
JANUARY 6, 2005 - 7:00 P.M.
CITY HALL

MINUTES

1. CALL TO ORDER AND ROLL CALL

Chairman Bemis called the meeting to order.

MEMBERS PRESENT: Chairman Don Bemis, Bill Bradley, Jim Glas, Dennis Lewis, Ken Manley, and David Varney.

MEMBERS ABSENT: Forrest Austell and Marc Bertorelli

STAFF PRESENT: Kathy Staton and Robin Young

Motion by Lewis, support by Bradley to excuse Austell and Bertorelli from the meeting. All in favor, motion carried.

2. APPROVAL OF AGENDA

Motion by Lewis, support by Glas to approve the agenda. All in favor, motion carried.

3. MINUTES

PLANNING COMMISSION – December 2, 2004, Regular Meeting – Approval

Motion by Manley, support by Bradley to approve the minutes of the December 2, 2004 regular meeting. All in favor, motion carried.

ZONING BOARD OF APPEALS – September 27, 2004 – Received and filed.

4. PUBLIC COMMENTS AND INQUIRES – Concerning Items not on the Agenda.

There were none.

5. NEW BUSINESS

PUBLIC HEARINGS

A. SPECIAL USE PERMIT – 55 73rd STREET AND 1505 2nd AVENUE

Rick Bosch requests a public hearing for a Special Use Permit for expansion of the existing mini-storage facility on the property located at 55 73rd Street and 1505 2nd Avenue, South Haven. The request is to



permit the mini-storage facility as a similar retail or service establishment in the B-2, General Business District, by Special Use Permit under Section 801.59 of the City of South Haven Zoning Ordinance. Plans call for combining the property at 55 2nd Avenue with the adjacent property to the south at 1505 73rd Street where there is an existing mini-storage facility and construction of seven new storage buildings with 158 new storage units on the property located at 55 2nd Avenue and 1505 73rd Street, South Haven.

Chairman Bemis explained the rules of the public hearing.

Motion by Lewis, support by Glas to open the public hearing. All in favor, motion carried.

Steve Bosch introduced himself. Bosch explained that he is working with Rick Bosch. Bosch stated the property is adjacent to a mini storage building complex and their plan is to add to the existing mini storage facility. Bosch said that a use variance was approved for this property in October 1999 and has expired. Bosch stated that they are looking to restart the project because the current facility is at one hundred (100%) percent capacity. Bosch stated that since the 1999 approval, nothing has changed with adjacent property.

Motion by Bradley, support by Lewis to close the public hearing. All in favor, motion carried.

Staton stated the minutes for the approval of the prior two (2) use variances are included in the Planning Commissioners packets. Staton explained that the original mini storage was approved in 1999 with the previous owner. Staton stated that the part of the property they want to add on to is a jagged shaped piece of property, adjacent to the north of the original mini storage facility. The second piece of property was also granted a use variance in 1999 for a mini storage facility which was never built and the variance expired twelve (12) months after approval.

Staton explained the options she discussed with the applicant. They could have come back and asked for another use variance, but because there is an existing mini storage there and nothing has really changed, it was thought that it might be appropriate to come in and request the mini storage as a special use permit. The property is unique in the B-2 district in the corner, next to the highway, in an area that is mainly a B-4 major thoroughfare business district and industrial. Typically mini-storage is not permitted other than in industrial zones in town, but there is an existing mini storage out there. Staton noted that the two questions before the Planning Commission tonight are if this should be considered as a similar use in the B-2 district. If yes, then the special use standards need to be looked at and determine whether it meets those standards and if it should be granted the special use permit.

Bemis asked if there had been any significant changes in requirements for a special use permit since the original use permit was granted. Staton stated no there had not been.

Lewis noted that there was no special use permit on this property before, it was a variance. Staton explained that they do have the option to come before the Planning Commission and ask for a use variance. After some discussion with the applicant, it was thought that this might be the better way to approach it.

Manley clarified that there is no boundary change in the request and what we are considering is a special use permit for what once had a use variance that is now expired. Staton stated that is correct and noted that the project may not be the same as the initial one, but the boundaries are identical and nothing has changed on adjacent properties, other than the original property has had a couple more units built on it. Staton noted that nothing has changed in terms of development on any of the other adjacent properties.

Bemis read an overview of the list of Special Use Standards in Section 1510.21 Mini Storage (Warehouse) Facilities.

Lewis asked if granting this opens the flood gates to a mini storage in any B-2 district. Staton stated that it is up to the Planning Commission to determine if this property is unique.

Glas noted that the original variance was objected to because of that. Glas stated that this request dealt more with the standards in Section 1510.21, which would allow us to grant it because the adjoining property is a mini storage and that is not the case in other B-2 district areas. Glas stated that is what allows it to be unique.

Motion by Glas, support by Manley to grant a special use permit for 53 73rd Street and 1505 2nd Avenue because it meets the following five standards;

- a. The size, nature and character of the proposed use fits the scale and character of abutting properties.
- b. The proximity of the proposed use to the adjoining properties does not create unreasonable negative impacts on the use and enjoyment of the nearby residential properties.
- c. The parking facilities provided for the proposed use are safe, adequately sized and conveniently located.
- d. Any traffic congestion or hazard which will be occasioned by the proposed use can be adequately mitigated.
- e. The design of the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

and that all the special use standards for building a mini storage have been met, with the stipulation that all staff concerns must be addressed prior to the issuance of a building permit. All in favor, motion carried.

Bemis stated that now they will discuss performance bonds. Bemis stated that he is in favor of performance bonds because of numerous projects that have never been finished and one of the purposes of the performance bond is if something is not left in a safe condition, it can be put in a safe condition.

Bradley noted that a performance bond supposedly makes it easier for the City to enforce the requirements. Bradley stated that this indicates to him that there is something wrong with the way the law is written.

Staton stated no, that she is not having any trouble enforcing site plans particularly, except on rare occasions. A performance bond would make it easier if the developer would drop the project and leave. Staton stated that she wants to make it clear that she is not suggesting that this will happen with any of the projects on the agenda tonight. Staton stated she won't name names, but there have been some issues of property damage in the past and it is an ongoing problem for the City. There are contractors we would be inclined to require a performance bond from because of past experience and we don't know who the contractors will be for a project until the permits are pulled and we can't come back to the Planning Commission at that point and ask to amend your approval and require a performance bond. Staton stated that if this is a sticking point, she will come back before the Planning Commission at another time with this issue.

Bradley stated that it appears we are talking about a performance bond for the contractor not the owner. Staton said not necessarily. Staton asked to withdraw the request for a performance bond for all of the staff recommendations tonight. Staton said she will come back at another time with a further presentation on performance bond requests.

Bemis stated that since she has withdrawn the request for performance bonds the Planning Commission will take no further action.

SITE PLAN REVIEW

B. 98 NORTH SHORE DRIVE

MAP Group, LLC requests site plan approval for construction of a residential condominium on the property located at 98 North Shore Drive, South Haven. The plans call for demolition of the existing single-family residence and construction of a 3-unit building on the property.

Staton explained that she received an email from the applicant and there were some fairly major concerns with the site plan and the applicant feels he is not able to correct those in time for the meeting tonight. The applicant requested that the Planning Commission table this until he can correct those issues and he will come back later with a plan that meets the ordinance. Staton stated that the applicant wants it on the record that it was not pulled from the agenda.

Motion by Lewis, support by Bradley to postpone this request until the next regular Planning Commission meeting. All in favor, motion carried.

C. VAN DER ZEE MOTORPLEX, PHOENIX ROAD

Lakewood Inc., on behalf of Ray Van Der Zee, request site plan approval for construction of a new vehicle sales and service facility to be constructed on vacant land in the B-4, Major Thoroughfare Business District on Phoenix Road west of 71 ½ Street.