

Planning Commission

Regular Meeting Agenda

Thursday, August 7, 2014

7:00 p.m., Council Chambers



NOTE: DUE TO ILLNESS, ACTION ON TOM BRUSSEE'S REZONING REQUEST (38 NORTHSORE DRIVE) HAS BEEN MOVED TO THE SEPTEMBER 4, 2014 AGENDA

City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – July 10, 2014
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business – Public Hearings

Proposed amendments to City of South Haven Code of Ordinances, Chapter 30, ENVIRONMENT, Article II, Noise. Proposed amendments include changes to the allowed decibels levels and further limitation for the hours of 1:30 a.m. to 7:00 a.m.

7. Unfinished Business
 - a) Site Plan Review for new Goodwill Store, 340 73 ½ Street – final
 - b) Steve Schlack PUD amendment (Riverwatch Condos)
 - c) Proposed B-3 amendment changes
 - d) ~~Brussee rezoning request from B-3 to R1-A~~

8. Commissioner Comments

9. Adjourn

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator

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Planning Commission

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



City of South Haven

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

2. Roll Call

Present: Frost, Heinig, Miles, Peterson, Smith, Stimson, Webb, Paull
Absent: Wall

Motion by Heinig, second by Smith to excuse Wall.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Heinig, second by Miles to approve the agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – June 5, 2014

Motion by Smith, second by Heinig to approve the June 5, 2014 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

6. New Business – Public Hearings

- a) **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.**

Anderson introduced the item and reminded the Planning Commission of the January of 2014 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.

Anderson noted that City Council wants some clarifications to some language and additional language added. This amendment deletes the previous amendment and inserts new language.

These are the proposed changes City Council has suggested.

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.

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

All in favor. Motion carried.

Paull called for comment. There were none.

Motion by Smith, second by Heinig to close the public hearing.

All in favor. Motion carried.

Peterson asked if a split would be allowed. Paull said it never really was, but this just reinforces that. The idea of allowing single family homes was not to cut the lots up, but to allow a use of lots that are too small for a business use.

Smith commented that the proposed amendments, a. through e. make sense to him.

Motion by Heinig, second by Miles to recommend approval of the following amendments (a through e) to the Zoning Ordinance to City Council:

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.

All in favor. Motion carried.

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.

Anderson read and introduced this request. Reminded commissioners that Brussee withdrew a previous request and submitted a new application. Anderson recommended that the planning commission review the application and narrative and carefully consider public comments before making any decision in this matter. Noted that any motion should be made in the format of a recommendation to city council.

Motion by Heinig, second by Peterson to open the public hearing.

All in favor. Motion carried.

Matthew VanDyke, Law Firm of Miller Canfield, and 277 South Rose Street, #5000, Kalamazoo, Michigan 49007: Van Dyke represents the applicant, Tom Brussee. Stated that he and Brussee mapped this request out regarding the tenets of the Zoning Ordinance. The parcel is located in a distinctly residential area; the Master Plan calls for a resort type use and, the way that is defined, is consistent with the Zoning Ordinance. The property is best used for the requested use and is consistent with both the Zoning Ordinance and the Master Plan.

Paull called for questions.

Smith asked if VanDyke understood the amendment just recommended for passage. VanDyke responded, "Yes, we are asking for something completely consistent with the Zoning Ordinance and Master Plan.

Paull asked what the potential uses could be to which VanDyke responded that any of the R1-A uses plus the ability to split. Paull asked if VanDyke was aware that Mr. Brussee wanted to split this land before and the only reason for the zoning to be changed is so it could be split. VanDyke feels this request satisfies the requirements; B-3 is inconsistent with surrounding area. The requested rezoning is consistent with the Master Plan; the primary B-3 uses are not usable on the site because of the site dimensions and parking requirement. "We think R1-A is the proper zoning for this area and that is why we are asking for it."

Paull asked if VanDyke knows if the objective is to split the property to which VanDyke responded, "We don't know; we are hoping to leave ourselves as many options as possible."

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

All in favor. Motion carried.

Paull called for discussion from the commission.

Heinig noted that the current zoning on three sides is B-3; the commission did not want to compromise that particular zoning district. It seems that this request takes a chunk of the B-3 out so this parcel never could be used for that purpose again. And it is located in an area where B-3 uses are intended, along the river.

Smith stated that he struggled with this since he knows the history of this lot but also noted that there is a lot of residential around there. Peterson commented that it was nice to have a business there. Frost enumerated several restaurants that used to be located in that neighborhood, noting that there are none now. Smith pointed out that the area has changed.

Webb noted the owner could still build a single family dwelling there; he just wouldn't be able to split it. Paull explained that assuming City Council approves the amendment we recommended, the owner would only be able to build a single family dwelling. Frost asked, "Can you imagine the size of dwelling that could be built there?" Paull said B-3 does not limit the owner much; the zone certainly allows him to build a house on the property. Paul does not see the public advantage of the split. Miles suggested that the rezoning would provide splits with smaller houses.

Paull pointed out that the B-3 zone typically consisted of fairly large pieces of property. "The idea of being able to split it up into smaller parcels flies in the face of the original intent of B-3 zoning."

Smith asked whether City Council would have to approve this to which Anderson responded, "Yes, this is a zoning ordinance amendment."

Attorney Van Dyke informed that the way he and the owner have looked at it, even with the additional property across the street, this parcel would not work with any of the B-3 uses. On the Planned Unit Development, the mixed use requirement is extremely difficult to comply

with on this particular site. That entire part of the community is residential right now; while VanDyke understands how B-3 makes some sense, going north along North Shore Drive, that is residential property, and the only reasonable use of this parcel is as residential.

Heinig questioned the proposed text change in light of this request. Anderson said when the parcel for parking was sold it did not constitute a lot split. The ordinance language is that the applicant's hardship cannot be self-imposed. This is really a discussion for the Planning Commission whether that sale of the parking lot parcel counts as a split.

Smith said that is not my understanding; the commission knows it was two distinct lots.

VanDyke noted that under the language just passed, we would not satisfy the requirement "inability to use the lot for another intended use cannot be self-created." Part of the argument was based on the owner selling the property across the street.

Paull interjected that the property across the street has no application whatsoever and that the commission is looking at Brussee's property.

Frost asked whether the applicant owned and sold the parking lot parcel to which VanDyke responded yes. Frost noted that amendment 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) does not state a date, as in amendment d. (Special use permits shall not be granted under this subsection for any lot created by lot split after January 1, 2014).

Webb asked what the City Council's intent is. Anderson explained that Council wants to ensure that the smallness or uniqueness of the lot is not created by the owner. Webb asked whether the applicant would be able to build a single family home right now to which Anderson responded yes, with a special use permit.

Frost said the point he is making is that amendment 17.c. stating that one family dwellings "cannot be self-created" does not say "after Jan. 1, 2014". Frost noted that if the applicant were to sell this property someone else could build a single family home here because they did not create this problem. Frost's rationale is that the amendment, as approved, would allow some arrangement to be made using a straw man, to circumvent the ordinance.

Frost asked if the commission can revise the previous motion to which Paull responded, "Yes, as a separate action, not while considering this one."

Motion by Miles, second by Peterson to table this item until the text amendment to the Zoning Ordinance is resolved.

Discussion ensued among the commissioners whether a change to the text amendment must come before another public hearing. Paull noted that the intention has been lost along the way. Webb agreed. Anderson asked the commissioners if the issue is the desire for a point of time on this amendment, subsection c. Commissioners did not state a preference.

Tom Brussee, Owner/applicant: "We've owned that property for a period of time and looked into the commercial uses; studied the ordinance very closely; spoke with previous owners.

As a restaurant, it was a great spot; unfortunately it was not economically feasible. It's a shame but it is the truth. We like to think things can stay the same but that's not the reality."

Brussee stated that he has not had one inquiry on that property since about 2008 regarding using that parcel for a commercial use. Noted that people understand that the city has done a wonderful job on the main downtown area and a restaurant away from the downtown cannot compete. "On a busy weekend like last week, if you wanted to go to Fish Tails you would have had to park three (3) miles away. Brussee continued, "I know people are emotional about this issue; I appreciate that. Change is tough! But moving ahead we are trying to do the right thing. I think that my neighbors understand that we are sensitive to that. When we tore that building down it was a mess, it was full of asbestos. I just can't have my hands tied." Brussee pointed out, "With one lot we might end up with the monstrosity. I would rather see two homes there that fit with the environment. We don't need a sore thumb. I appreciate this town. That area supports two well-designed homes with lots of green space, with the proper setbacks. It will be beautiful. Brussee noted that he needs it to be marketable, that he understands that is not the commission's problem, but that is why they are looking for that flexibility.

Paull reminded that there is a motion on the table and called the question.

A roll call vote was taken on the motion to table this item until the amendment issue is resolved:

Yeas: Heinig, Miles, Peterson, Stimson, Webb, Frost, Paull.

Nays: Smith.

Motion carried.

As suggested in previous discussion there was a motion by Heinig, second by Miles, to withdraw the recommendation of the language amendments to the Zoning Ordinance in Agenda Item 6a.

Paull requested a roll call vote regarding withdrawing the recommendation of language amendments to City Council.

Yeas: Miles, Peterson, Smith, Stimson, Webb, Frost, Heinig, Paull

Nays: None

Motion carried.

7. Other Business

a) Site Plan Review for new Goodwill Store, 340 73 ½ Street

Anderson noted that Goodwill Industries of Southwestern Michigan has made application to build a new facility at 340 73 ½ Street. The structure will be just over seven thousand (7,000) square feet and the use is permitted in the Zoning Ordinance. Anderson requested site plan review by the planning commission and the appropriate city departments. While the review from the Police Department did not get here in time to be included in the packet, Anderson noted that they reported no issue with the plan. Anderson also noted that the applicant and architect are working with the city engineer to

correct things that were at issue. The missing items Anderson requested of the applicant have mostly been submitted. Still outstanding are larger island landscape coverage, a lighting detail and some setback issues. Anderson stated that side set back and landscaping variances will be sought. If the variances are approved the application will be set for approval.

Heinig asked if Anderson is comfortable with recommending approval with contingencies or should we delay. Anderson responded that the building department would not issue a building permit until the engineering issues are resolved; we are not responsible for the engineering end of things. Anderson noted that the big issue is the variances; if they get the variances they will be able to resolve the issues with the engineering department. Anderson is okay with approval with contingency of getting the variances, noting, "It is your decision; if you want to see it again with everything complete that is your call."

Paull pointed out that part of the problem creating the need for variances is this building is going into an area with the new overlay zone. Paull noted and Anderson agreed that they cannot speculate on what the board of appeals will do. Paull said he hates to pre-approve things without seeing the final plan, "even though I sit on the board of appeals."

Motion by Miles to postpone action on this request until the ZBA acts.

Kristopher Nelson, Schley Architects. 4200 South 9th Street, Kalamazoo, representing the owner: "We hope this is a project that is going to bring more value to the community on a parcel that has been vacant for a while now." Nelson is aware of items that came up in the review due to this project being in the new overlay district, noting that is where the variances will be needed. Nelson hopes to get an approval contingent on the variances.

Nelson had large scale plans on a tripod which he used to point out the various areas of the plan, noting that he tried to accommodate all the B-4 requirements without the overlay zone. By doing so, with a narrow site to work with, he tried to accommodate the setbacks as much as possible. Nelson noted that he pushed the building up on the site due to the neighboring building being only ten feet (10') from the property line. Noted that the loading dock is on an angle in the back area; had to cock it to allow access in that area. Nelson pointed out that that the site does not have the width to accommodate everything in the overlay zone. Nelson expressed that he knows that it is not the planning commission's job to approve the variances at this meeting.

Nelson drew the commissioners attention to the elevations, noting that the front façade is facing 73 ½ Street.

Nelson explained that one of the bigger things to work out in the engineering has to do with the storm water system. Through the process of working with the city and county engineers we learned this property is in the area of the county drain. We understood that the county would have approval. As such we went through the county and they have already approved it, with storm drain calculations, and Halberstadt has requested those items and we have sent them to him for his records. We are not trying to slide something by; we have gone through the approval process but we are trying to move things along.

Nelson stated he is hoping for at least a contingent approval, pointing out that they are not asking for everything to be excluded in our variance request; specifically the setback requirements, green belt area and building.

Paull noted there is an open motion on the floor to postpone a recommendation until the resolution of the variance requests.

The open motion by Miles to postpone action on this request until the next meeting was seconded by Peterson.

Stimson asked Anderson when the Zoning Board of Appeals (ZBA) meeting is to which Anderson responded July 28th, the last Monday of month, and the next Planning Commission meeting is August 7th.

Paull called the question. All in favor. Motion carried.

b) Review of Draft Noise Ordinance amendments, City Code Article II, Sections 30-27 through 30-36; Set public hearing date

Anderson noted that the sub-committee has been working on these amendments since March. They have talked with the city's mayor, the police chief, and directors/managers of the City Housing Commission and Old Harbor Village. They had a demonstration of decibel levels, which was very informative. Anderson thanked the subcommittee (Brian, Larry, Dave and Terri) for all their work on this.

Anderson pointed out that the biggest change in this ordinance is the decibel levels. The current ordinance had a number of different decibel levels depending on where the businesses were and the type of adjacent uses (residential next to commercial and commercial next to industrial, industrial next to residential and so forth). This community is so homogeneous that it made more sense to have just two zones; Industrial and Residential/Commercial. The sub-committee proposed for Residential/Commercial a maximum daytime decibel reading of seventy (70). The current approved level is ninety (90) and the difference between the two is very noticeable, according to Anderson. In the evening the old ordinance allowed seventy-five (75) decibels and the subcommittee propose dropping that down to sixty (60). Anderson noted that sixty (60) is what is being enforced right now in areas of Residential/Commercial mix.

Other changes were permitting only ambient noise from 1:30 a.m. to 7:00 a.m. That is the normal street noise, cars, quiet talking; it does not allow loud music and loud talking. From 11:00 p.m. to 1:30 a.m., dropping to ambient noise is seen in other resort areas in the state. In the industrial zone we had allowed decibel levels of ninety (90) going down to seventy-five (75) in evening. We are keeping Industrial at seventy-five (75) throughout the entire twenty-four (24) hours; that has not been an issue.

Anderson noted that the noise ordinance has been simplified it. "We kept hearing it was too hard to enforce, too complicated. We also get complaints of people using high-pitched leaf blowers and lawn mowers. Lawn maintenance and snow removal allowed for two hours at a time." Anderson noted that according to the old noise ordinance, you could only mow your lawn during the day. The sub-committee decided it was too restrictive.

Anderson noted that there will have to be a public hearing; everyone involved, bar owners, etc. will be encouraged to attend, comment or send their comments. "We may have more than one public hearing on this but we would like to start that process."

Anderson explained that police enforcement does not want to change ordinances in middle of the summer season. Thus it would be good to get it adopted so next year by the summer season it is in place. That gives plenty of time to let owners know and help them understand the changes to the ordinance.

Paull thanked the members of the subcommittee for their work; resolving issues of recordable sounds levels, enforcement, perceived sound levels. Paul gave an example of an issue that will come up and we will get complaints about: "I notice the lawn maintenance companies that maintain my neighbors' yards, they arrive early and the noise continues all day; albeit on different lawns. It is more than two hours so we will have to decide how we are going to interpret that." Paull believes the new ordinance is way less complicated than before which Paull thinks is an improvement. "It will be easier for police to enforce and citizens to understand."

By consensus it was directed for the zoning administrator to set the first public hearing on August 7, 2014.

c) Discussion of mini-storage expansion at 1505 2nd Avenue

This was a question whether the planning commission should decide this request or if it should instead go to the zoning board of appeals (ZBA).

Anderson was approached by the owner of the mini storage to put 1 ½ more units in place at 1505 2nd Avenue. Noting that this is not a permitted or special use in the B-2 zone, Anderson researched and found that in 1999 this facility was first approved through the use variance process. The board approved it based on no other use fitting there. Since then, there were extensions. The last extension was in 2005 as a special use under the "other similar uses" provision. Whether this is done as a special use or a use variance, the request has to go to the Planning Commission first.

Anderson noted that additional units could be allowed through the use variance process as was done initially or we could keep it at Planning Commission and hold a special use hearing as has happened the last couple times of expansion. The special use was permitted through Sec. 801-59 of the Zoning Ordinance which allows the Planning Commission to permit special uses through this process. Because it was already there, the previous zoning administrator must have felt that it was a similar use. Anderson does not have a problem doing this either way, but "I do feel that this may more likely is an issue for Planning Commission with the special use permit. This makes it a little easier, instead of going back to the use variance, since it hasn't been used for this property since 1999."

Heinig asked if the Planning Commission will be doing a site plan review to which Anderson responded, "Yes, we would have to have a site plan review either way."

The commissioners decided by consensus to have this application come to the Planning Commission for special use review.

Additional Item 6a. Discussion on rescinding the motion made for agenda item 6a.

Paull noted that this item now sits in limbo. "What do you wish to do?"

Anderson noted that since this is an advisory commission this decision does not rest with the Planning Commission. "Do we want to add additional language or not? Anderson asked the board. "If you do, we will need to have a public hearing on that at the next meeting."

Paull proposed going down the table and see what issues with language or otherwise members have. Then they will formulate a small committee to come up with the appropriate changes at the next Planning Commission mtg.

Anderson reminded that the applicant's inability to use his property cannot be created by himself. Frost noted again that someone could sell off the piece of property and now it is not the person who created the problem applying. Frost noted that the committee should look at that as well. "We need to put a time frame on this for start and at least look at the idea of someone creating a work-around for the date."

Stimson asked, "If we change this, do we need to go back to the city attorney? Anderson explained that the city attorney would work with her on any changes the planning commission drafts.

Anderson pointed out that the current language actually takes care of the lot split issue John mentioned; maybe we need to have a realistic time frame or language that clarifies self-created.

Anderson noted that if that is the intent of the commission, she could work with the attorney to come up with language. Miles pointed out that in the township there is a ten year law. Peterson asked if the discussion is regarding B-3 to which Anderson responded yes.

Webb asked how we got here stating: "This was very simple. We were trying to allow single family homes and I don't know how this got so complicated, but that was our purpose." Paull agreed, "That's right, it was so property that is in the B-3 and is too small to have a business, could still have a house built on it. The other intent should be if you have a piece of property that is big enough for a business, the city doesn't want you to split the land and use it for houses."

Frost noted we need to look at these new amendments. For this particular property, it could potentially be two lots that could both seat a house but not quite big enough to put a business on it. Frost thinks the wording should be, "Unless the lot isn't able to be used as a business". He went on, "You can't put a business on this particular property, but it could be split and the owner allowed to put a house or two on it". Anderson said City Council was very interested in having people not be able to split lots regardless of original size. Anderson also noted that the attorney came up with the January 1, 2014 date.

“Thus, if you have a lot split that was recorded by Jan. 1, 2014 the potential is there for a lot split.”

Frost noted, “That’s fine if that is city council’s goal, they understand that on this property and maybe others, they are just under the size needed for a business, they are making it so you can only put a single house on it and that is all.” Anderson agreed that is their intention. Smith asked if we are just supposed to draft text the way city council wants it with no planning commission input. “It is the Planning Commission that comes up with this language, and recommends it to City Council”, Anderson responded. “You have direction from city council and you should consider that but I don’t expect you to recommend adoption of an amendment you don’t feel you can live with”.

Anderson said there are more issues here than just the one thing. Hoped it would be a little fix but think that is not the case.

Paull asked the applicant when he sold the corner property. Brussee said a year ago. Paul noted, “We’ve got to be able to move forward. The proposal is creating a monster.”

Anderson stated that there was no lot split with this property. The parcel across the street which was sold was always a separate piece of property. The issue here is determining if the property as it now exists is self-created.

The Planning Commission set up a sub-committee to further study the amendment and possibly draft replacement language. Frost, Heinig, Paull and Webb volunteered for the committee.

8. Commissioner Comments

Anderson: Wants to get the vendor and vicious dog ordinances wrapped up this summer. After the adoption of the Master Plan, a subcommittee got through about half the recommended zoning ordinance amendments before becoming side tracked by other projects. Anderson would like to pick that up and start working on that again in the fall.

Stimson: Would like to be on that committee.

9. Adjourn

Motion by Smith, second by Miles to adjourn at 8:35.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6 Draft Noise Ordinance Hearing

City of South Haven

Background Information:

Since March 26, 2014, 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 department and Listiak Auditorium, heard a demonstration of decibel levels to aid in establishing maximum acceptable noise levels.

The subcommittee and planning commission have now completed their reviews of the draft ordinance amendment and will hold a public hearing at this meeting. Copies of the draft ordinance have been sent to all persons interviewed during the process as well as all bar owners in the city.

Recommendation:

It may be necessary to hold more than one public hearing on this matter. The planning commission should listen to comments received and determine whether the draft ordinance is ready to forward to city council or if additional meetings or hearings are required.

Support Material:

Draft Noise Ordinance (Deleted text is shown with ~~strike through~~, additions to text in **bold**)

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. ~~shall be prima facie evidence of violation of this section, in violation of South Haven City Code Section 30-29(5).~~

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. ~~Where property is used for both residential and commercial purposes, the limitations set forth for commercial property shall apply.~~

Table I

Producing the Sound	Receiving the Sound	Use of Property 7:00 a.m. to 11:00 p.m.	Use of Property 11:00 p.m. to 7:00 a.m.
Residential	Residential	75	60
Commercial	Residential	80	60
Residential	Commercial	80	60
Commercial	Commercial	90	75
Industrial	Commercial	90	75-60
Industrial	Residential	80	60

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)

- ~~(b) The following limited activities are exempted from the sound limitations of this section:~~

~~(1) *Equipment operations.* Operations, between 7:00 a.m. and 6:00 p.m. of power equipment that does not produce a sound level exceeding 100 DBA at or beyond the property line of the property on which the equipment is operated.~~

~~(2) *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 DBA at or beyond the property line of the property on which the work is being conducted.~~

~~(3) Snow removal equipment operation. Operation of snow removal equipment which does not produce a sound level exceeding 90 DBA at or beyond the property line of the property on which the equipment is operated.~~

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) The operation of use between 9:00 a.m. and 10:00 p.m. of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds, whether stationary or mounted on a vehicle, subject to the following:
 - ~~a. The only sounds permitted are human speech or music.~~
 - ~~b. Operations are permitted for a period not in excess of three hours daily.~~
 - ~~c. Sound amplifying equipment mounted on a vehicle shall not be operated unless the vehicle upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when the vehicle is stopped or impeded by traffic.~~
 - ~~d. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the equipment and so that the volume is not unreasonably loud, raucous, jarring or disturbing to persons within the area of audibility.~~
 - ~~e. No sound amplifying equipment shall be operated with an excess of 16 watts of power in the last stage of amplification.~~~~

~~f. The use for noncommercial purposes of one or more bells or chimes which does not exceed 90 seconds duration in an hour between 9:00 a.m. and 10:00 p.m.~~

~~g. Carillon playing between 9:00 a.m. and 10:00 p.m.~~

~~h. Any noise resulting from activities of a temporary duration permitted by law and/or for which a waiver has been granted 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



Agenda Item #7a Goodwill Site Plan Review

City of South Haven

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 has been reviewed by staff as well as appropriate city departments. Since the planning commission review of this project at the July meeting, all concerns have been addressed with the exception of some engineering issues which are currently being addressed with the city engineer. The north side setback and front landscaping variances were referred to the zoning board of appeals (ZBA).

This application was heard by the zoning board of appeals on July 28, 2014 and the side yard setback and landscaping variances were approved as presented.

The applicant continues to work with the engineering department on the remaining issues noted in the review letter.

Recommendation: Staff recommends approval of the Goodwill Industries site plan at 340 73 ½ Street with a condition that no building permits be issued until the city engineer is satisfied that all remaining issues with the site are resolved.

Support Material:

Site Plan

Respectfully submitted,
Linda Anderson
Zoning Administrator

PHOENIX STREET

S88°02'20"W
M=399.92'
R=400.00'

N. 1/4 POST SECTION 11
T. 1 S., R. 17 W.
SOUTH HAVEN TWP.
(FD. 1/2" REBAR IN MON. BOX)
BACK/CURB -NORTH- 14.46'
SIGN POST -S40°W- 76.35'
SIGN POST -N78°E- 73.80'
IN THE CENTER OF WEST BOUND LANES OF PHOENIX ROAD

SITE DATA:

PROPERTY OWNER: JOHN DILLWORTH
GOODWILL INDUSTRIES OF SOUTHWESTERN MICHIGAN
MICHIGAN 4200 S. ALCOTT STREET
KALAMAZOO, MI 49001
PROPERTY ADDRESS: 540 75 1/2 ST., SOUTH HAVEN, MICHIGAN 49090
ARCHITECT: SCHLEY ARCHITECTS
4200 S. 9th STREET
KALAMAZOO, MI 49009
TEL: 269-375-8366

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 89d36'44" EAST 927.00 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 284.79 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 III- ONE STORY METAL BUILDING

PROPOSED BUILDING HEIGHT: 31'-11" AT MIDPOINT OF HIGHEST ROOF.
MEAN ROOF HEIGHT TO MEET CURRENT ZONING REQUIREMENTS

MINIMUM SPACING BETWEEN BUILDINGS: 20'-0"

LAND USAGE: RETAIL BUILDING = 14%
PAVEMENT AND WALKS INCLUDING LOADING DOCK AREA = 58%
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 "MMUTCO" CURRENT EDITION.

BUILDING CODE: MICHIGAN 2009 BUILDING CODE.
OCCUPANCY USE GROUP "M"= MERCANTILE AND "S-1" = MODERATE-HAZARD 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 NOT USED
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 'S' 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

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NOTE: ALL UTILITIES TO BE UNDERGROUND

Schley Architects
4200 S. 9th Street, Kalamazoo, Michigan 49009
Tel: 269-375-8366 / Fax: 269-375-8366 / Email: info@schley-arc.com

Project # 13-122
Date: April 3, 2014
REV.: JULY 7, 2014
Copyright © 2014, Schley Architects, Inc.

New Retail Store for:
Goodwill Industries
South Haven, Michigan

C1.0

BENCHMARK 2
SE CORNER OF SQUARE LIGHT POLE BASE
TOP OF CONC. ELEV. - 663.41'

12" C.M.P.
INVERT-659.01

ZONED AS B-4
(MAJOR THOROUGHFARE BUSINESS DISTRICT)

N. & S.
1/4 LINE

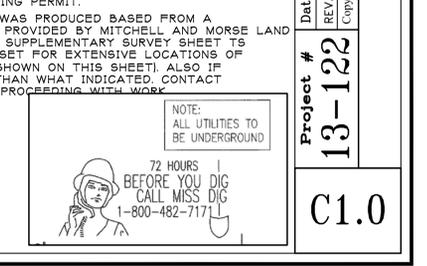
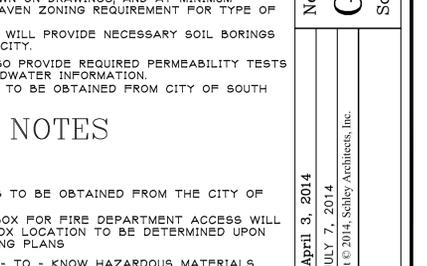
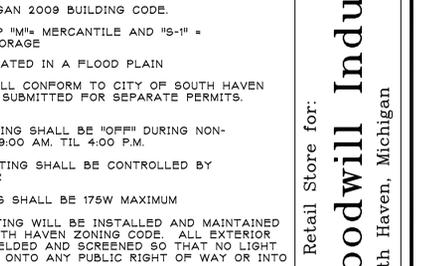
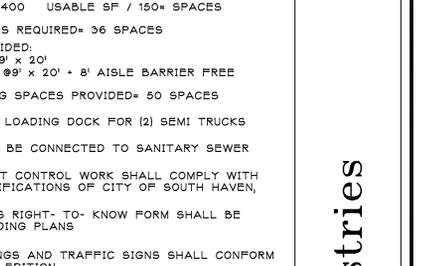
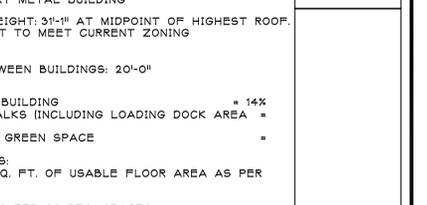
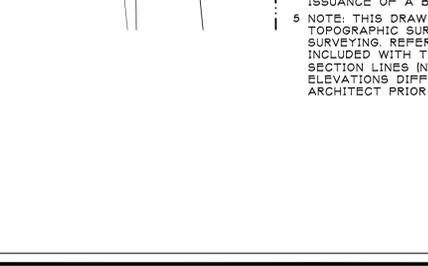
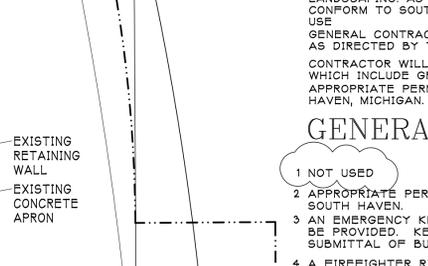
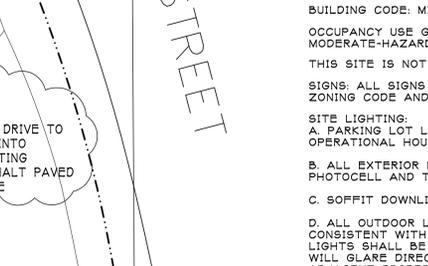
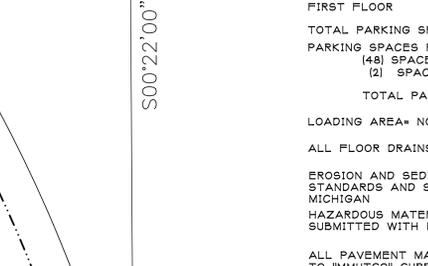
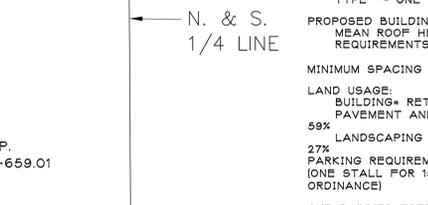
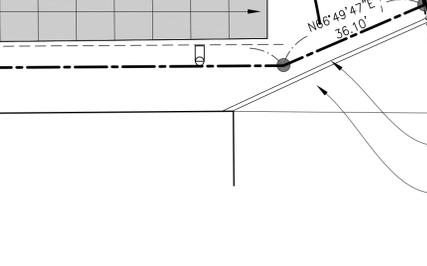
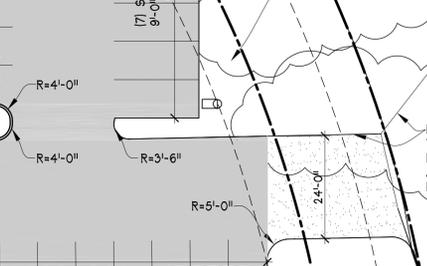
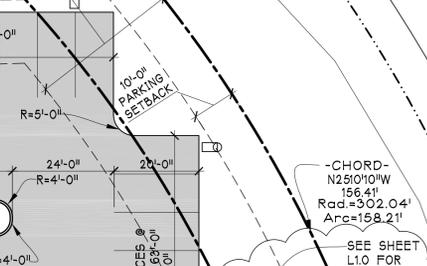
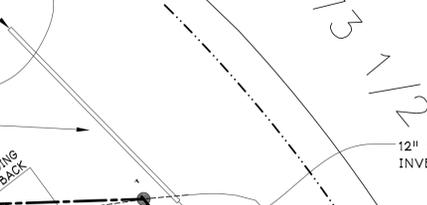
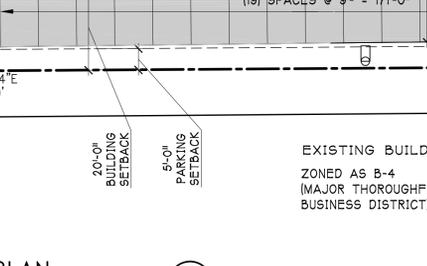
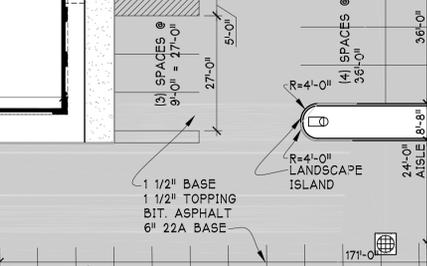
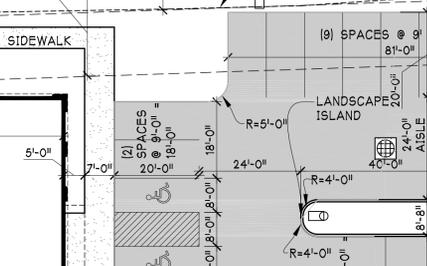
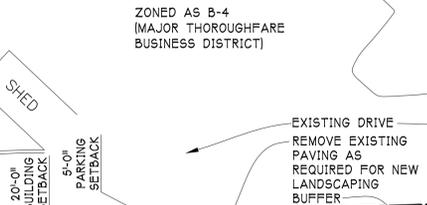
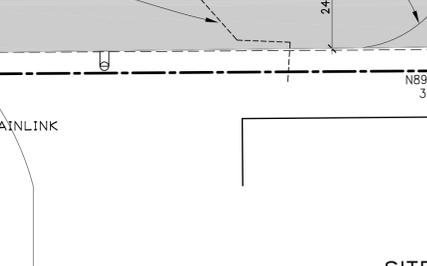
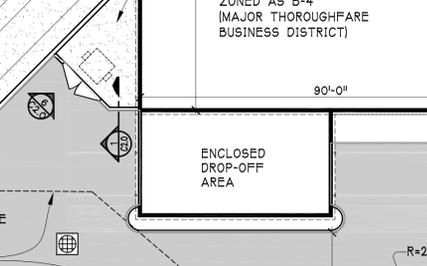
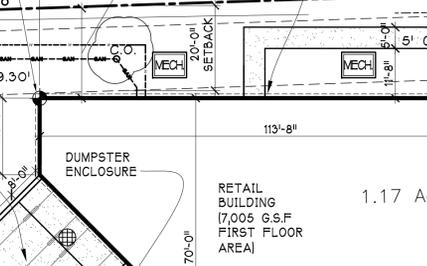
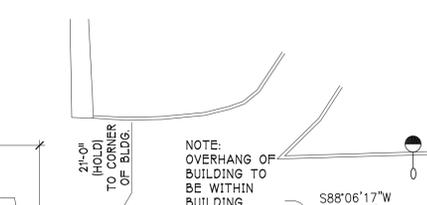
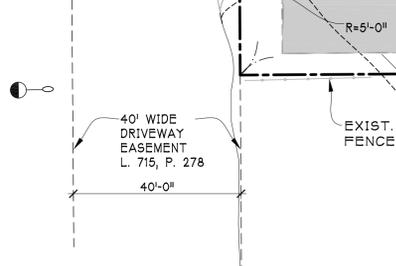
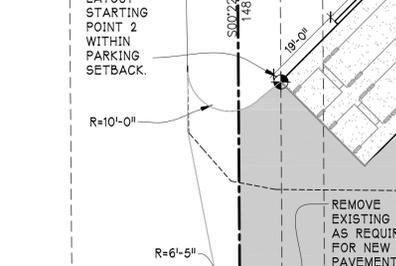
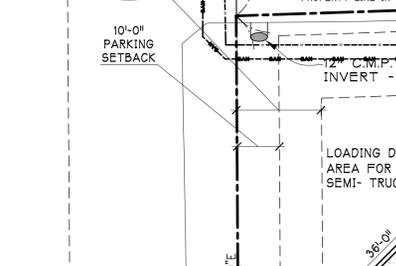
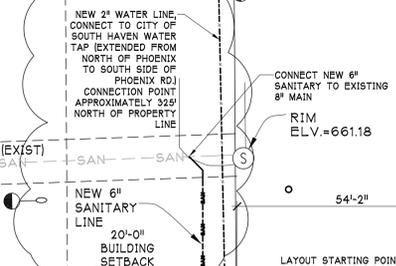
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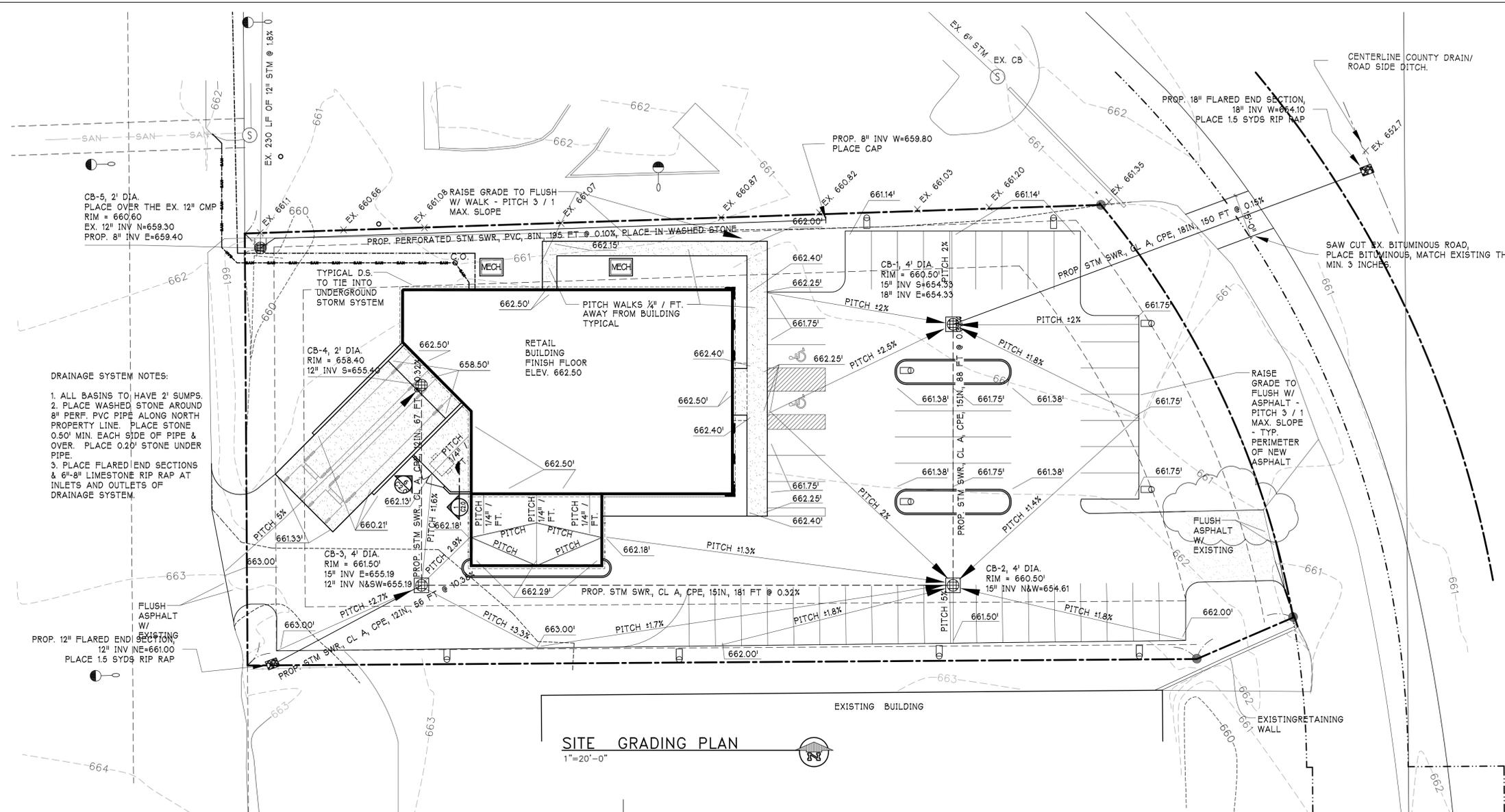
STREET

SITE PLAN
1"=20'-0"

EXISTING BUILDING
ZONED AS B-4
(MAJOR THOROUGHFARE BUSINESS DISTRICT)

EXISTING RETAINING WALL
EXISTING CONCRETE APRON

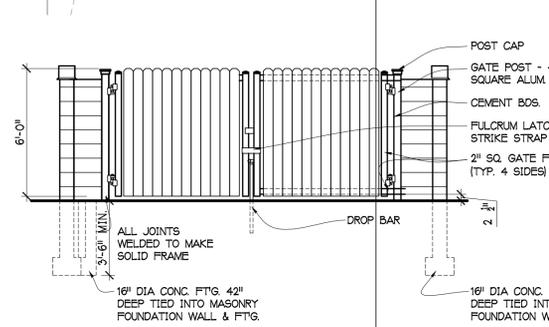




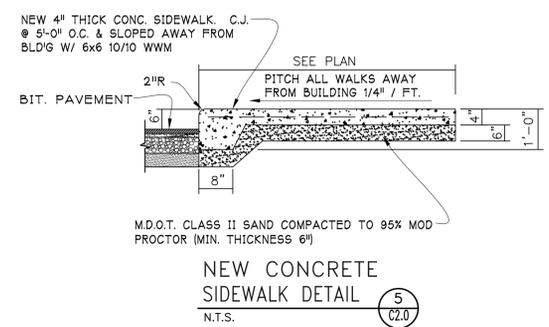
- ### GENERAL NOTES
- REMOVAL ALL SITE SURFACE FEATURES WHICH ARE NOT SPECIFICALLY NOTED, BUT ARE REQUIRED TO BE DEMOLISHED TO COMPLETE THE CONTRACT WORK.
 - DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES
 - PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES 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 SOIL EROSION AND SEDIMENT CONTROL MEASURES TO PREVENT 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.
 - 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 ASSESS CONSTRUCTION DEVELOPMENT AND ACTUAL SIZE 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.
 - ALL 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

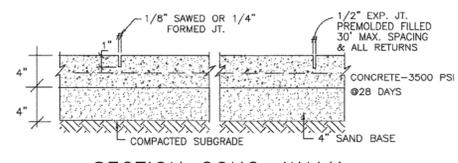
SITE GRADING PLAN
1"=20'-0"



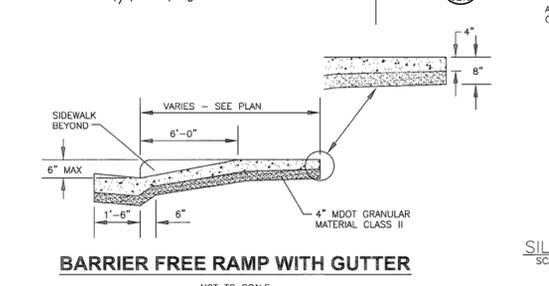
ELEVATION AT REFUSE ENCLOSURE
1/4" = 1'-0"



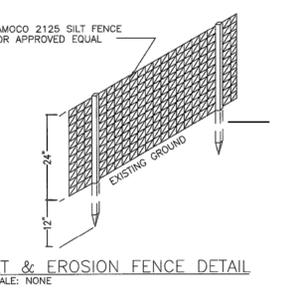
NEW CONCRETE SIDEWALK DETAIL
N.T.S.



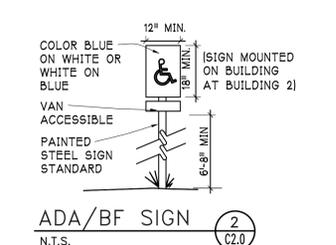
SECTION CONC. WALK PAVING DETAIL
N.T.S.



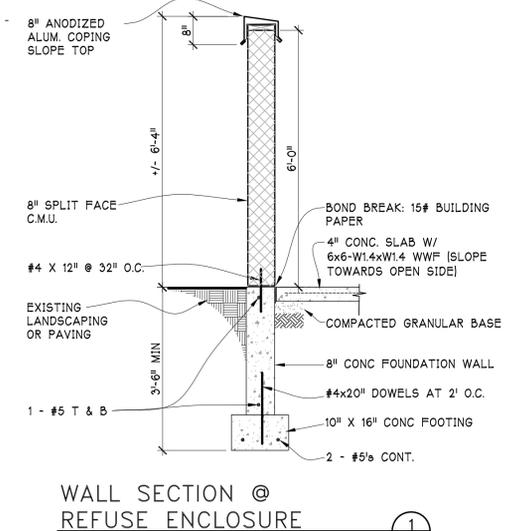
BARRIER FREE RAMP WITH GUTTER
NOT TO SCALE



NEW ASPHALT PARKING DETAIL
N.T.S.



ADA/BF SIGN
N.T.S.



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

Scoley Architects
 4200 South 9th Street, Kalamazoo, Michigan 49009
 Phone: 269-331-0640 Fax: 269-331-0640
 Email: info@scoley-arch.com
 Project # **13-122** Date: April 3, 2014 Rev: June 13, 2014 REV: JULY 7, 2014
 Copyright © 2014, Scoley Architects, Inc.
Goodwill Industries
 South Haven, Michigan
 New Retail Store for:

PLANT LIST:

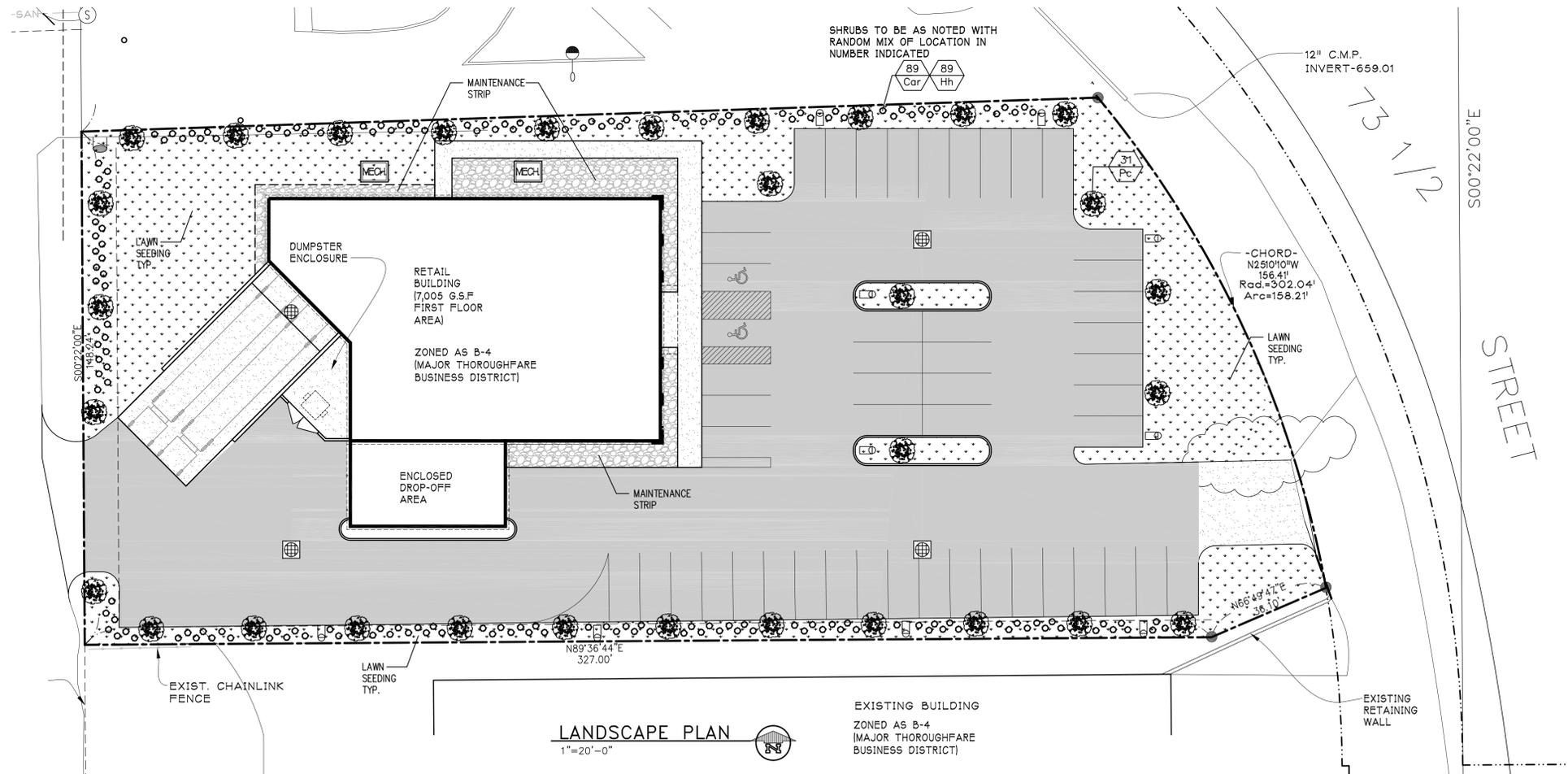
SYM.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COM.
DECIDUOUS TREES	Pc Pyrus calleryana	Cleveland Pear	1-2" Cal.	B&B	
SHRUBS	Hh Car Hypericum patulum "Hidcote" Cornus alba "Red Gnome"	Hidcote Hypericum Regnzam Siberian Dogwood	2' Ht. 2' Ht.	Cont. Cont.	

PROPOSED FEATURES LEGEND:

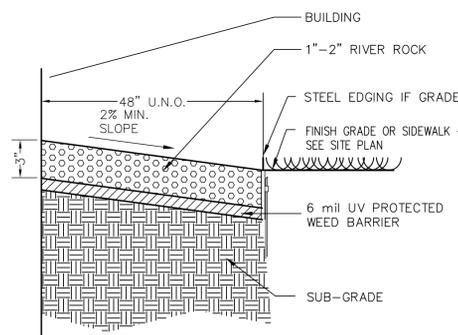
SYMBOL	DESCRIPTION	DETAIL
	DECIDUOUS TREES	1 / L1.0
	SHRUB	2 / L1.0
	LAWN SEEDING	
	MAINTENANCE STRIP	4 / L1.0
	STEEL EDGING	3 / L1.0
	PLANT TAG- REFERS TO TYPE AND NUMBER OF PLANTINGS TO BE PROVIDED AND MAINTAINED BY CONTRACTOR.	

LANDSCAPE NOTES:

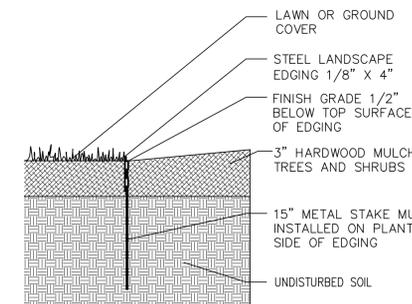
1. SURVEY OF EXISTING CONDITIONS PROVIDED BY MITCHELL & MORSE SURVEYING, SOUTH HAVEN, MICHIGAN.
2. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S 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.



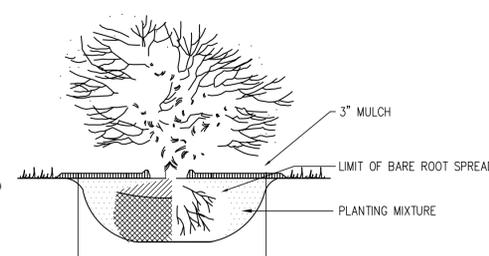
LANDSCAPE PLAN
1"=20'-0"



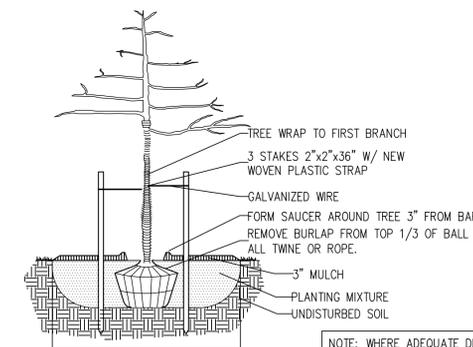
4 Maintenance Strip
L1.0 Not To Scale



3 Steel Edging Detail
L1.0 Not to Scale



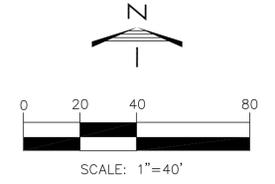
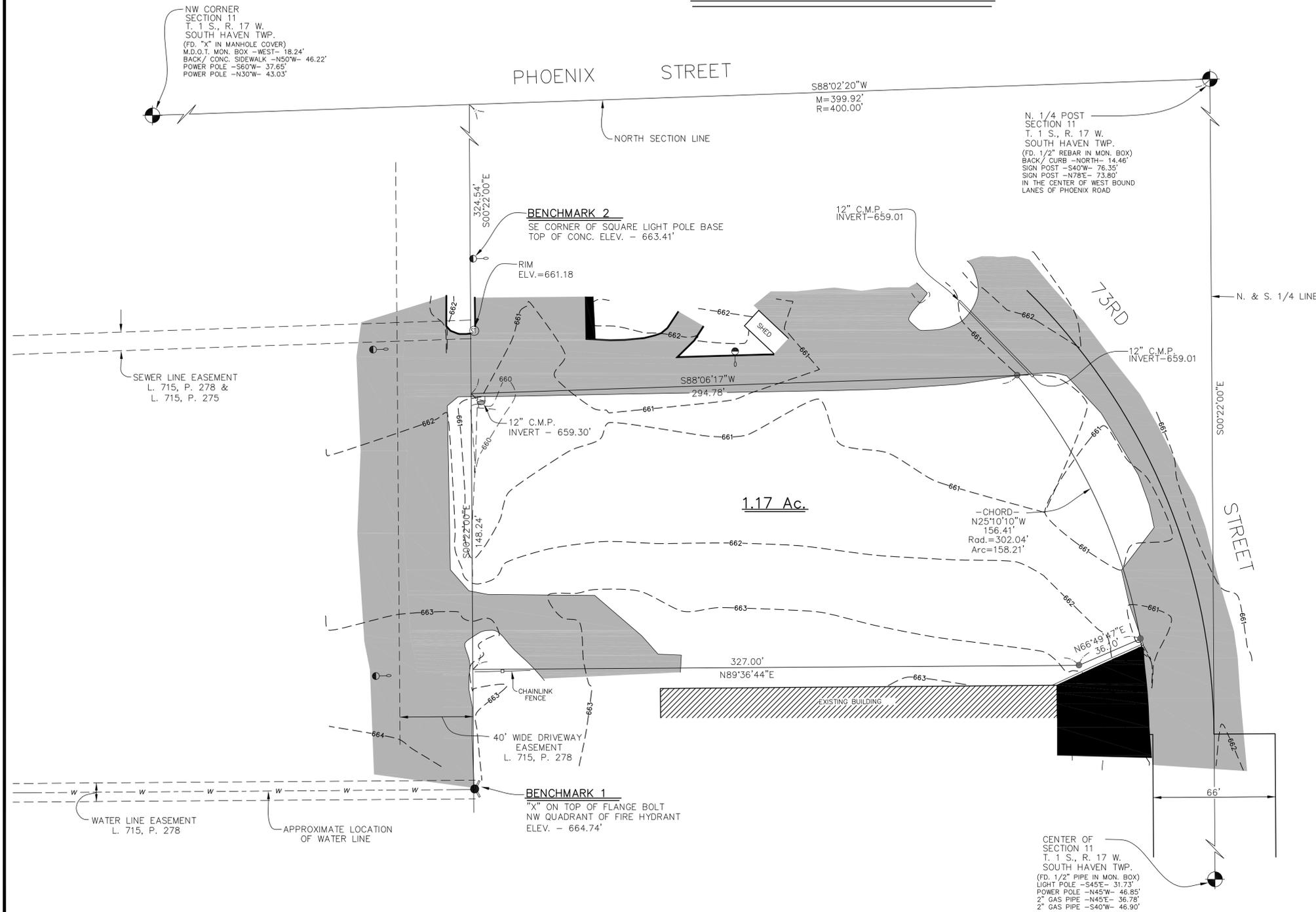
2 Shrub Planting Detail
L1.0 Not to Scale



1 Tree Planting Detail
L1.0 Not to Scale

NOTE: WHERE ADEQUATE DRAINAGE IS A PROBLEM, ELEVATE 1/4 OF TREE ROOT BALL ABOVE GRADE AND GRADUALLY SLOPE THE SOIL AROUND IT.

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:

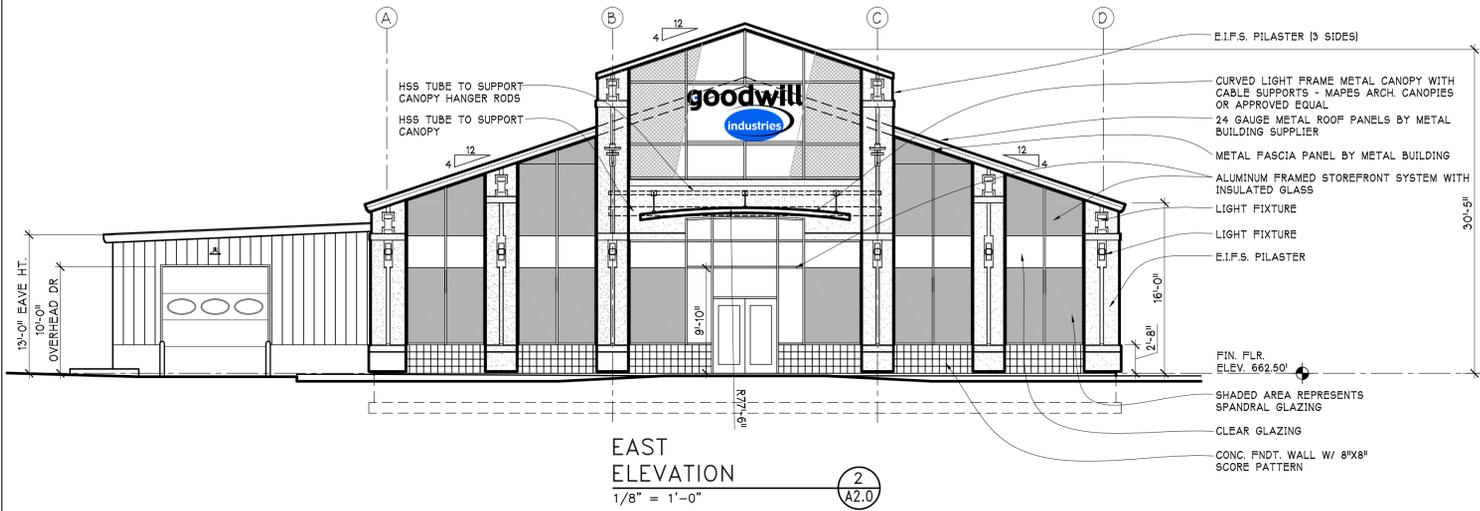
MITCHELL & MORSE LAND SURVEYING
A DIVISION OF MITCHELL SURVEYS, INC.
234 VETERANS BLVD.
SOUTH HAVEN, MICHIGAN 49090

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

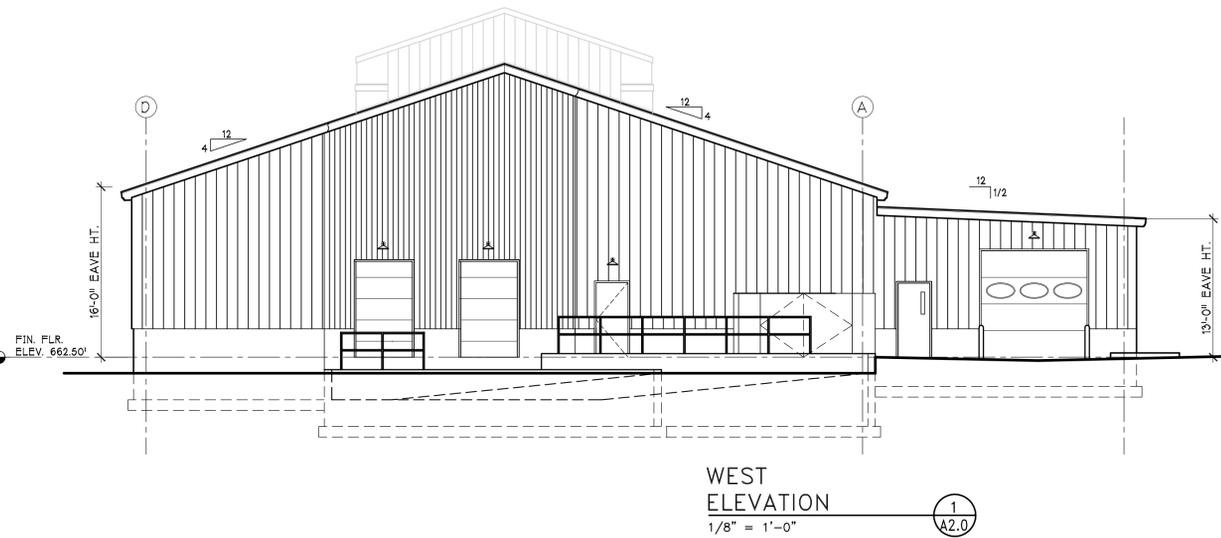
PROJECT NO. 13-1022-B DATE 12-17-13

BOOK FILE PAGE FILE REVISION

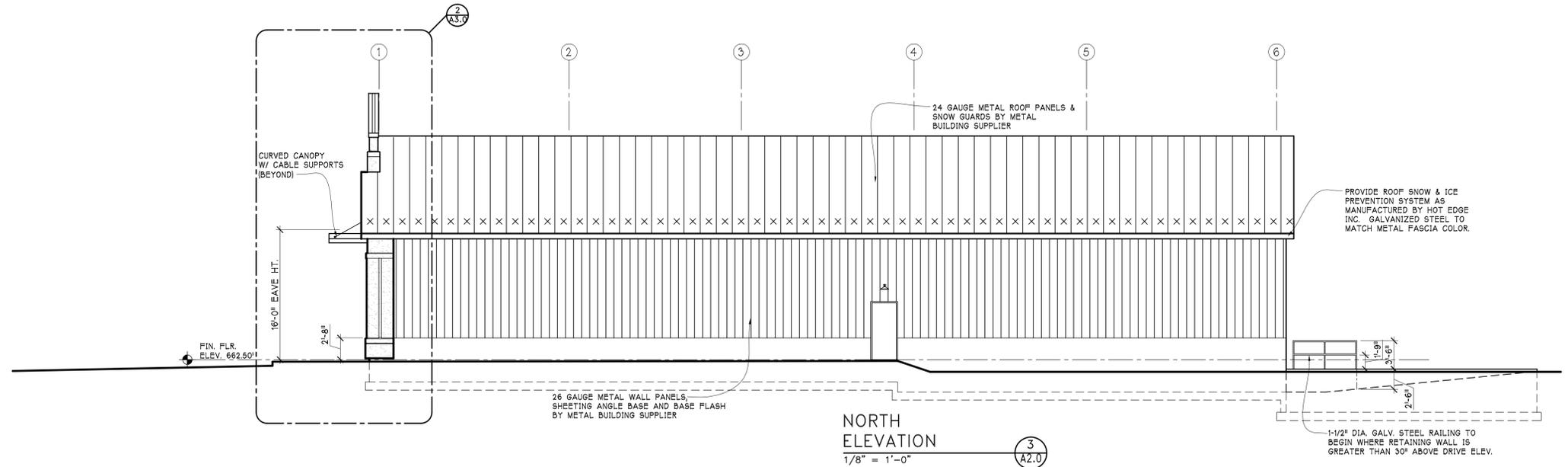
DRAWN BY J. MITCHELL SHEET 1 OF 1



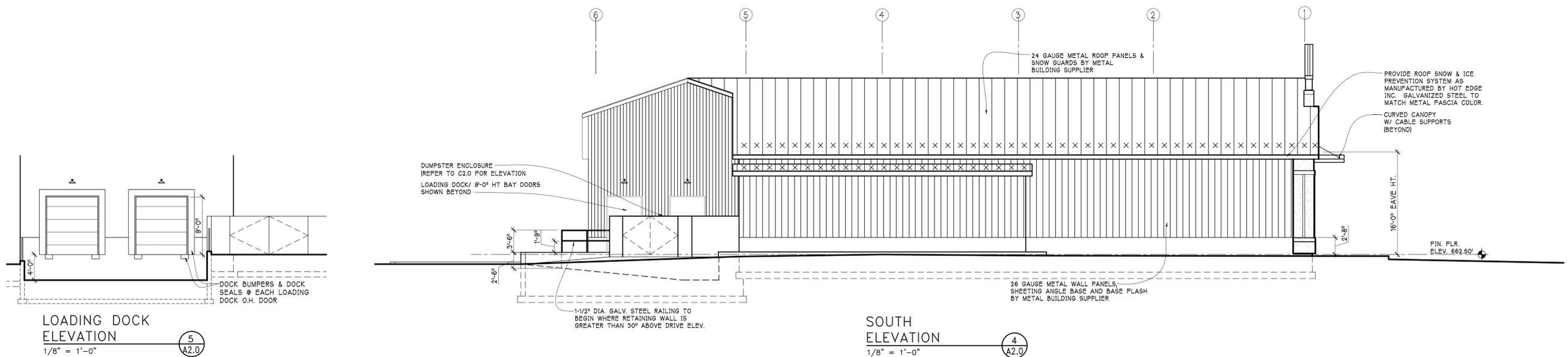
EAST ELEVATION
1/8" = 1'-0"
2
A2.0



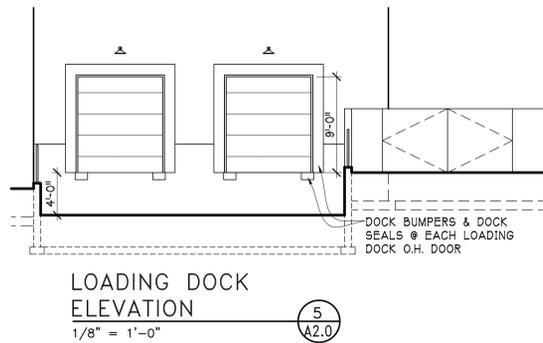
WEST ELEVATION
1/8" = 1'-0"
1
A2.0



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
Phone: 269-499-0640
Fax: 269-499-0640
Email: info@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



Agenda Item #7b Riverwatch Condominium Amendment

City of South Haven

Background Information:

Last month, the applicant, Steve Schlack, asked to amend the condominium plan for the Riverwatch development by taking 15,600 square feet out of the Phase 2 plan for a single family residence (by special use permit) and changing the remaining Phase 2 area from the original residential units to a parking structure for Phase 1 residential units. The applicant has since withdrawn the single family request and the parking structure plan and is asking now to remove the entire Phase 2 area from the project.

The Phase 2 area is 32,070 square feet in size. The applicant plans to seek a buyer for the Phase 2 land. He is aware that the parcel will need to be developed as residential with an easement through the Phase 1 area as there cannot be commercial access through residential properties (Zoning Ord. Section 1716-2).

A public hearing on the condo amendment was held on July 10, 2014. That hearing did not include removing Phase 2 from the development.

Recommendation:

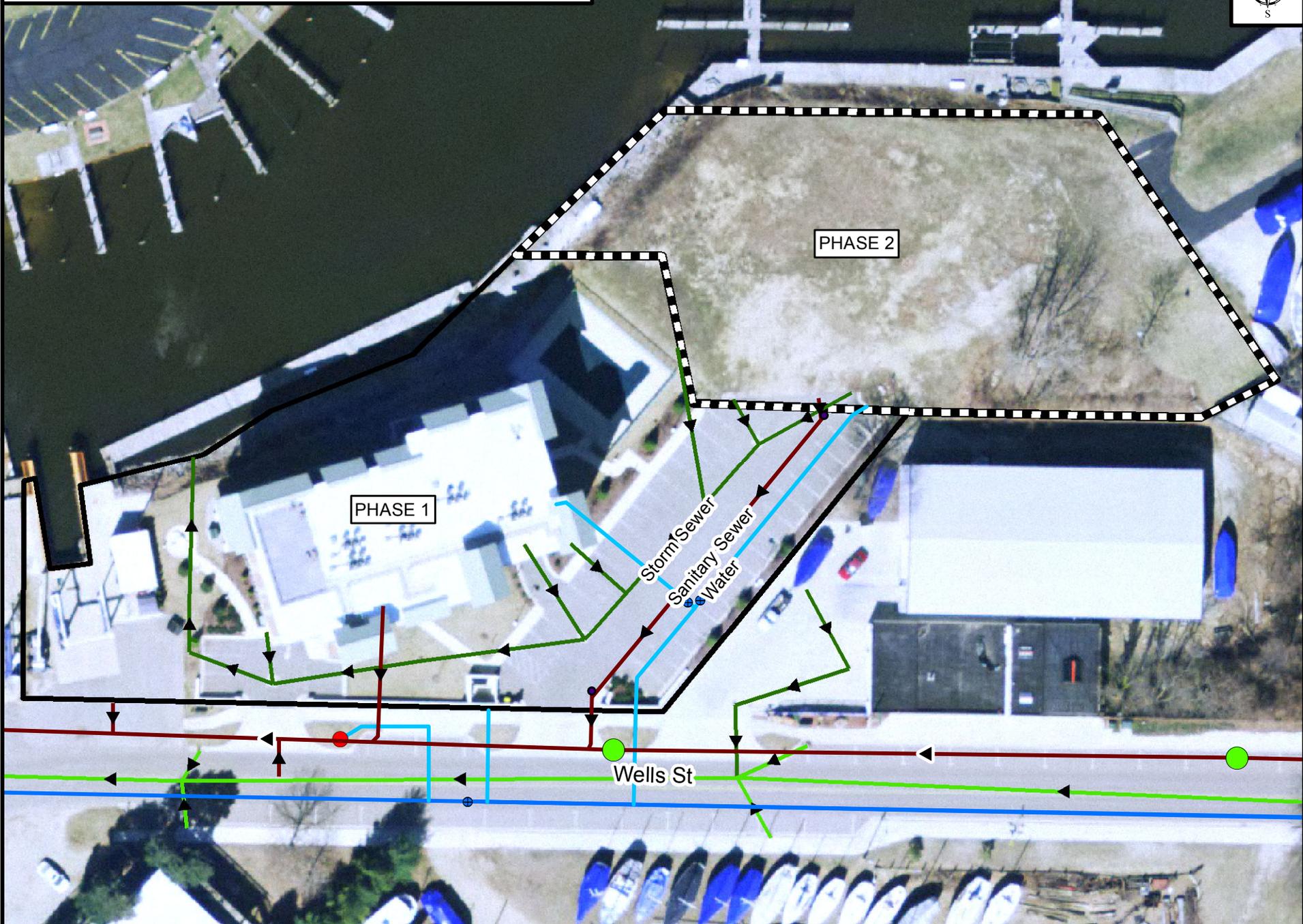
Zoning ordinance section 1303-9 lists PUD/Condominium amendments which may be considered minor and be approved by the zoning administrator. The removal of a large portion of the project is not considered minor. The previous public hearing, as advertised, did not include the complete removal of Phase 2. Staff recommends that the planning commission hold a new public hearing in September on the request to remove Phase 2 from the condo development.

Attachments:

Aerial of Riverwatch Condominiums

Respectfully submitted,
Linda Anderson
Zoning Administrator

Riverwatch Condominium Phase 1 & 2





Agenda Item #7c

Proposed Amendments to the Provisions for Single Family Dwellings to the B-3 Zoning District

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.

At the July planning commission meeting, a public hearing was held after which the planning commission decided that additional adjustments to the text were needed.

The subcommittee and staff worked with the city attorney to refine these amendments. It was the opinion of the city attorney and staff that the changes made are not of a severity which would require a second public hearing. A recommendation to the city council should be made at this meeting.

Recommendation:

Staff recommends that the planning commission accept 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

ATTACHMENT A

CITY OF SOUTH HAVEN
Van Buren and Allegan Counties, Michigan

ORDINANCE NO - ____

AN ORDINANCE TO AMEND THE 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, regarding uses in the B-3 zoning district, is amended to read as follows:

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 3 acres.
 - b. Thirty 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 80 feet in width.
 - d. The campsites shall be set back from the property line a minimum distance of 30 feet.
 - e. A recreational unit may be located at the campground for no more than 21 consecutive nights. After 5 nights out of the campground, the recreational unit may return again for no more than 21 consecutive nights. A recreational unit shall not be located on the premises of a campground for more than 42 nights in any calendar year. Storage of recreational units for more than 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 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 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.

Ordinance No. ____

- 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 1,300 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 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 5 feet in height and 5 feet in width after one growing season; or 2) a solid wall or tight board fence 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).
 - 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 floor at ground level.
 - 2. No more than 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 10 feet, then a maximum of 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.

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 to be demonstrated by the applicant:
 - a. The proposed use will be of substantial benefit to the City and the waterfront business community.
 - b. No other use permitted in this zoning district is possible on the lot due its size or configuration.
 - c. The inability to use the lot for another use permitted in this zoning district was not the result of an action taken after January 1, 2014, by the applicant or any predecessor in interest in the property.
 - d. Special use permits shall not be granted under this subsection for any lot created by lot split occurring 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. Effective Date. This ordinance shall take effect 10 days after its adoption or upon its publication in the *South Haven Tribune*, whichever occurs later.

Robert G. Burr, Mayor

CERTIFICATION

As the Clerk of the City of South Haven, Michigan, I certify that this Ordinance was adopted by the South Haven City Council on _____, 2014; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on _____, 2014.

Amanda Morgan, City Clerk

Planning Commission Hearing: _____, 2014
 Planning Comm'n Recommend: _____, 2014
 City Council Introduction: _____, 2014
 City Council Adoption: _____, 2014
 Publication: _____, 2014

**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- 0002

**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 (See Attachment A), 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:

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. It also finds that the amendments as presented will encourage the residential use of certain existing properties in the B-3 Zone without being deleterious to existing and future marine based businesses.

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 August 7, 2014.

Date:

_____ Marsha Ransom, Recording Secretary