

Planning Commission

Regular Meeting Agenda
Thursday, September 8, 2016
7:00 p.m., Council Chambers



REVISED

City of South Haven

**THE SITE PLAN REVIEW FOR 132 NORTSHORE HAS BEEN
POSTPONED UNTIL THE OCTOBER 6 MEETING.**

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes – July 14, 2016**
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business – Site Plan Reviews**
 - a) **95 Willow Court**
7. **Old Business – Forward Proposed Nonconforming Ordinance #1901 to city council**
8. **Other Business – Review of Proposed Fishing Platform**
9. **Commissioner Comments**
10. **Adjourn**

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

Planning Commission

Regular Meeting Minutes Thursday, July 14, 2016 7:00 p.m., Basement



City of South Haven

AMENDMENT

NOTE: DUE TO SCHEDULING CONFLICTS THE MEETING WAS HELD IN THE BASEMENT

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

2. Roll Call

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

Fries and Anderson noted that Webb had said she would be here.

Motion by Gruber, second by Paull excuse Frost and Webb.

All in favor. Motion carried.

Webb arrived 7:02 p.m.

3. Approval of Agenda

Motion by Paull, second by Miles to approve the July 14, 2016 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – June 2, 2016

Motion by Stimson, second by Peterson to approve the June 2, 2016 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

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6. New Business – Special Use Request 220 Aylworth

Sean Russell of South Haven is requesting a special use permit to allow outdoor boat storage at 220 Aylworth Avenue (the former Bohn Aluminum property). This property is in the light industrial zone and the special use is authorized by zoning ordinance section 1101.

Anderson noted this is the former Bohn Aluminum plant which the Local Development Finance Authority owns and is in the process of selling to the applicants. The applicants want to use the exterior for boat storage while working to get the inside ready for some industrial tenants. This request is to allow outdoor boat storage as a similar uses as authorized by Planning Commission for a special use. Even though the ordinance does not specifically allow outdoor boat storage it allows contractor storage and parking lots. It does allow other uses that were close enough to this that Anderson determined this was suitable as a special use for this site.

With agreement by the Planning Commission, Anderson explained that the site abuts up to residential property so we do want to have some landscaping tall enough to screen it and a fence for security but more decorative than a chain link fence. Anderson suggested she would not mind seeing some landscaping along the other sides, not necessarily dense, but something to break the parking area up for the other uses there and to make the property as attractive as possible. Anderson has no issues with the request and thinks it is a good use of the property. Stated the city is glad to have something moving in there to keep the industrial park, as the downtown is, vibrant.

Anderson read into the record a letter received from Application Engineering at 1310 Kalamazoo. The letter expressed concerns about the visual appeal of outdoor boat storage.

Sean Russell introduced himself and his wife, Renee. Stated that they want to do something to increase revenue while fixing up the property and attracting a long term manufacturing firm of some sort. Noted part of the plan includes doing some fencing and screening that will improve the look of the area. Stated they have been keeping it mowed. Russell wants to do something more than a chain link fence – reduce the actual screening requirements – but would like to do a higher end and higher security type of fence.

Lori Bierhalter, representing Vibracoustic (formerly Trelleborg). Expressed reservations about having boat dry storage next to Vibracoustic's North American headquarters, noting that they have many professional clients. Made suggestions regarding future use of the paved and grass areas as well as access to the property.

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Sean Russell, applicant. Noted that the long term plan is to keep this as an industrial site, doing as little as possible to change the footprint. Pointed out that the city tried for three years to get a tenant in there and stated their group's intention to throw some advertising dollars out there to attract manufacturing; the parking lot stays as it is because they will not know how they are going to use it until they get possession. Noted plans to use the back part as long-term storage with the front part being better suited to short-term storage. Russell stated that the main drive, because of the grading on Kalamazoo Street, would make it difficult to get any sizeable boat in there, so the entry off of Aylworth near Republic suits that best. Russell noted plans to set the gate entrance off the street and into their property so any vehicle will clear Aylworth and be inside of the property before they have to deal with the gate.

Ed Burgess, owner of business on property to the south. Went along with the comments from Vibracoustic about maintaining a professional appearance, noting that his firm deals with the same clientele. Stated their concern is about what he termed walkaways, abandoned boats, and that he wants the property to maintain a clean appearance and wants a privacy fence because of the visual appearance.

Russell stated their intent is a higher end product, which is why they plan to add arbor vitae and other screening, along with the fence. One aspect of that includes restrictions on tarping of boats; clients will be told that their boat is to be either not covered or it is to be shrink-wrapped. Russell also noted that the property has been vacant for 20 years and their intention is to knock down the weeds and brush hog the back areas.

Gruber questioned how long the applicant is hoping to have this special use to which Russell responded that it is going to dovetail in with our advertising to get a tenant in there. Russell also noted, "We didn't know we were going to get a client in there a week after signing a contract with the LDFA. We didn't set a time line, nor do we wish to; if we get an offer that doesn't fit with our intent, we want to be able to do that." Russell also said this is something they brought to Linda for the feasibility and pointed out that currently they are in their due diligence period.

Barry Skuza, Vibracoustics. Stated that as long as the boat storage is away from the road, near the building, it will be fine.

Russell said that corner of Aylworth and Kalamazoo is what we hope to be the cornerstone of the property. They want to have 45 feet of offset signage to showcase what this property is. "It will be modular, so when we get the right folks in there, their name can go right up. We have plans on other property, that we can move the boat storage to, as a phase two, if we can get the right manufacturer."

Peterson asked, about the screening, whether it takes arbor vitae a long time to grow into a screen. Russell responded that it does, mentioned some places that

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have it locally and noted it is a balance between improving it and being good neighbors, without all the expense.

Bierhalter asked whether the evergreens will be placed on Kalamazoo Street, on Aylworth and in front of the fence line.

Russell responded that it will be up to the board what they say for us to do as a special use. "This will be a reduced planting with a better fence. Where it will be placed? We propose on the outside of the fence so it will look nicer."

Barry Skuza, Vibracoustic. Advised that the city is going to replace a water main because Vibracoustic needs a hydrant. Stated that he does not know where the city property is and where Russell's property is but advised against installing plantings before determining those issues.

Gruber suggested the Russell's coordinate with the city engineer in planning for landscaping and other improvements.

Stimson stated that since she drives by every day, several times a day, she is thrilled with having a fence and arbor vitae.

Gruber suggested putting a sunset clause on the special use which Anderson stated cannot be done as zoning stays with the land but conditions may be placed on any approval. Anderson explained that means that if the applicant states that he is requiring either no tarp or shrink wrap, if that's part of what you approve, and he doesn't do it, if he is in violation and does not correct it immediately, you can take action and revoke his special use. "You can't sunset but you can put contingencies on approval. Put a condition on here that allows Planning Commission to revisit it in a year or two years. That won't be advertised as a rehearing, but you can do that. You can't do a sunset clause; it's against zoning law and common sense." Anderson suggested that if the commission wants to review the type of landscaping going up, conditional approval could be given tonight, with a review of the landscaping at a later meeting.

Gruber stated it is good to have positive neighbor relationships.

Heinig asked for other comments, questions or a motion.

Motion by Stimson to approve this request as it is presented.

Gruber stated he would like to amend the motion to allow the Planning Commission to see the landscaping plan; so the commission has a chance to look at it, and at least getting a whole season to see how things go.

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Heinig, on a point of order, asked if Stimson wants to include Gruber's amendment or do her motion first. Stimson stated she would like to do her motion first.

A second on Stimson's motion was made by Peterson.

Anderson suggested that Gruber, in amending the motion, "Be specific so we know exactly what we are doing."

Russell explained that "this is a deal-breaker, yeah and nay, because boat and RV (recreational vehicle) storage is the only thing that will carry us through. For inside, the climate controlled storage we are talking about is for storing million dollar units and for the outside storage, either they are not covered or they are shrink-wrapped".

Gruber's amendment would require that if there is coverage it be shrink-wrap and requests an opportunity to review the landscaping and screening/fencing plans and an opportunity to look at this special use again in fall of 2017.

Anderson pointed out that looking at it in fall of 2017 would be Planning Commission members deciding if things look okay or if there are things that need to change. "Are they living up to what they said they would do? You can't revoke their special use, but this is an aesthetic review to ensure that they are abiding by all the rules."

A second was made by Paull to Gruber's amendment.

Webb, stating she is trying to understand, would like to know where the landscaping is going to be. "It's a nice picket fence but you need the landscaping to screen the boat storage from view." Stimson responded that the next Planning Commission meeting will be the landscaping review and a year from now we will review it for whether they are doing what they said.

Anderson clarified the regulations in the ordinance.

Heinig called the vote on the amendment to the original motion.

All in favor. Motion carried.

Paull stated, "Before we vote, I would like to make a statement to some of the audience members. I don't understand why your clientele would not be interested in seeing some rather attractive yachts as opposed to what exists now."

The vote was called on the motion as amended:

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Motion by Stimson, second by Peterson to approve the special use as requested, to fence the open property at 220 Aylworth, with significant screening, for boat storage in the offseason, with a motion by Gruber, second by Paull for the Planning Commission to review the proposed landscaping and screening/fencing plans at a future meeting and to have an opportunity to look at this special use again in the Fall of 2017.

All in favor. Motion carried as amended.

7. Other Business – Review of Upcoming Capital Improvements Projects

Anderson explained that state zoning law requires that the Planning Commission is supposed to review any capital improvement projects which are funded by public money. This historically has not been done. "If you are fine with reviewing such projects, Anderson stated, "I just send this recommendation, as stated in the staff report, on to the city manager. It requires that 2/3 of your membership say a project is okay and if you don't act within thirty days of submittal it is assumed you are okay with the project."

Anderson listed the current upcoming projects which she noted are in the packet. This is all underground work so unless anyone has issues we will send this on.

Paull stated he was approached by someone with questions about trees which Anderson said should be addressed by the city engineer.

Stimson asked, "Why would we say no to something like this?" Anderson explained that it is something that allows the Planning Commission to know what major projects are going on. But if capital improvement projects go into street improvements, the Planning Commission can review the plan to be sure lighting is good; that there is green space; if it is barrier free; and then you get into more zoning related things. This is not zoning related but this is to let the Planning Commission know what is going on.

Discussion ensued regarding the planned addition to the Waste Water Treatment Plant Grit Chamber and Bar Screen building. Gruber said the main impetus is so rain water goes to the lake and water when you flush goes where it is supposed to and they don't mix. This is fixing the holes in the system for the sake of the plant.

Consensus by all to move forward with these upcoming capital improvements projects.

Anderson said anything that expends public funds should come before us. "All the work that is done at North Beach, South Beach, should come to you. It's not an action item except to review it."

Fries noted that there were city engineers there to explain these projects to council. The presentation was about two and one-half hours.

Planning commissioner stated that they appreciated to opportunity to review these projects.

8. Commissioner Comments

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Peterson: This is a delayed meeting; did we give them enough time to get their landscaping done? Anderson said she will check with the applicants. They may wait until the other due diligence is complete.

Stimson: Thanked Webb for her service on the board and wished her luck on her future endeavors.

Gruber: Noted that he hates to see Webb leave.

Heinig: Thanked Webb for her service.

9. Adjourn

Motion by Paull second by Gruber to adjourn at 7:51 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



City of South Haven

Agenda Item #6a Site Plan Review 95 Willow Court

Background Information:

Mr. Phil Roehm is planning to construct a new home at 95 Willow Court. The lot is small for the RM-1 zoning district (actually closer in size to the R1-A requirements) and thus he was granted front, side and lot coverage variances from the zoning board of appeals. Because the house will be in the RM-1 zoning district and will redevelop the parcel, we are required to have the planning commission complete site plan review.

Mr. Roehm's plans comply with all zoning requirements of zoning ordinance sections 1403 and 1404 including compatibility in size and style with other residences in the immediate area. Since the property is located in the Waters Edge Condominium, a letter was required and received from the association approving the plans.

Zoning ordinance section 406 requires that all single family residential structures with more than 3 bedrooms need a review by the city engineer. Since this proposed house has only three bedrooms, no such review is needed.

Recommendation:

It is the staff opinion that the proposed residence is compatible with all zoning ordinance regulations and should be approved as submitted.

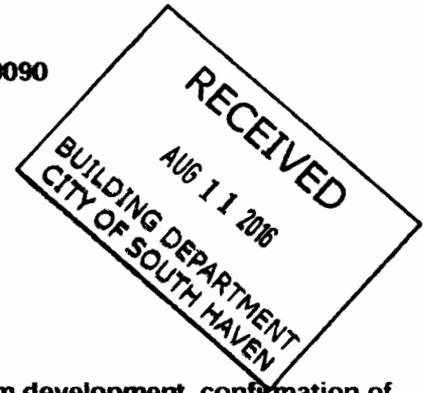
Attachments:

Application
Site plans
Zoning review

Respectfully submitted,
Linda Anderson
Zoning Administrator

BUILDING & ZONING PERMIT APPLICATION
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-277-8573

**Incomplete Forms Will NOT be
Approved or Processed**



Project Address: 95 Willow Ct., South Haven

Tax ID 80-53-733-015-00 (If property is part of a PUD or condominium development, confirmation of parcel number from the Assessing Department is required)

Applicant: Endeavor Building Systems, LLC Property Owner: Phillip & Kimberle Roehm

Appl. Address: 6812 Old 28th St. SE, Suite J Owner Address: P.O. Box 54

City Grand Rapids State MI Zip 49546 City South Haven State MI Zip 49090

Appl. Email address rich@truenorthhomes.net Owner Email address Phillip.roehm@yahoo.com

Applicant Phone: 616-723-3601 Owner Phone: 269-744-2051

Current Use of Property: Vacant Zoning District of Property RM-1

Project Description: Construct a new single family home.

Contractor: Endeavor Building Systems, LLC Lic. No. 2102196278

Liability Carrier: Frankenmuth Insurance Ins. Exp. Date 1-2-17 Fed ID or SS#: 27-1041233

Total Value of Construction (Materials and Labor, Building Permit Only): \$470,000.⁰⁰

Is property subject to an association? Yes No (If yes, attach letter from association)

Is property currently served with city water and sanitary sewer connections? (Letter from city engineer req'd.)

I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.

AFFIDAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete. Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

OWNER'S SIGNATURE: _____ DATE: _____

APPLICANT'S SIGNATURE: DATE: 8-11-16

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

Project Address: 95 Willow Court Tax ID 80-53-733-015-00
Applicant: Phil Roehm Property Owner: Same
Appl. Address: PO Box 54 Owner Address: Same
South Haven, MI
Applicant Phone: 269 744 2051 Owner Phone: Same
Applicant Email: Philliproehm@yahoo.com Owner Email: Same
Current Use of Property: Vacant Zoning District of Property: RM-1

Project Description: Built Single family home

PROPOSED USE: Single family residence
SECTION NUMBER WHICH PERMITS THIS USE: 501-1

COMMENTS:

OWNER'S SIGNATURE: *Dafile* DATE: _____
APPLICANT'S SIGNATURE: _____ DATE: _____

DATE SUBMITTED: Aug 11, 2016 DATE ACCEPTED: Same BY: *JSR*

FEE: _____ DATE OF PAYMENT: _____

FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET

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

Project Address: 95 Willow Court Tax ID 80-53-733-015-00

Applicant: Phil Roehm Property Owner: Same

Appl. Address: PO Box 54 Owner Address: Same
South Haven, MI

Applicant Phone: 269 744 2051 Owner Phone: Same

Applicant Email: Philliproehm@yahoo.com Owner Email: Same

Current Use of Property: Vacant Zoning District of Property RM-1

Project Description: Built Single family home

PROPOSED USE: Single family residence

SECTION NUMBER WHICH PERMITS THIS USE: 501-1

COMMENTS:

OWNER'S SIGNATURE: *On file* DATE: _____

APPLICANT'S SIGNATURE: _____ DATE: _____

DATE SUBMITTED: Aug 11, 2016 DATE ACCEPTED: Same BY: *JSR*

FEE: _____ DATE OF PAYMENT: _____

FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET

SETBACKS (IN FEET):

FRONT YARD: 23'

SIDE YARD: 10' + 8'

REAR YARD: 25'

SIDE YARD: 10' + 8'

LOT AREA (IN SQUARE FEET) 6000

LOT WIDTH (AT FRONT SETBACK) 50'

AREA COVERAGE (BY ALL STRUCTURES) 39% (When Completed)

HEIGHT (AVERAGE OF PEAK AND EAVE) 30' 6"

OFF-STREET PARKING, SECTION 1800

PARKING USE GROUP: Res

SECTION NUMBER: 1800.12.

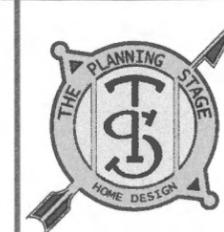
PARKING REQUIREMENT: 3 bedrooms = 2 spaces

**PARKING REQUIREMENT
CALCULATION:**

REQUIRED PARKING SPACES 2 PROVIDED SPACES 2

DIMENSION OF INDIVIDUAL PARKING SPACES garage

COMMENTS:



**THE PLANNING
 STAGE**

PHONE: 616-866-1463
 www.theplanningstage.net
 Scott Veerman
 theplanningstage@ms.com

DRAWN BY:
 S.V.
 CHECKED BY:
 P.K.

ROEHM RESIDENCE
 95 WILLOW COURT, SOUTH HAVEN, MI 49090

THE PLANNING STAGE



JULY 28, 2016

AUG. 8, 2016

C.D. APRIL 7, 2016

C.D. MAY 6, 2016

REVIEW SET MAY 19, 2016

MAY 23, 2016

JUNE 15, 2016

JUNE 15, 2016

JUNE 21, 2016

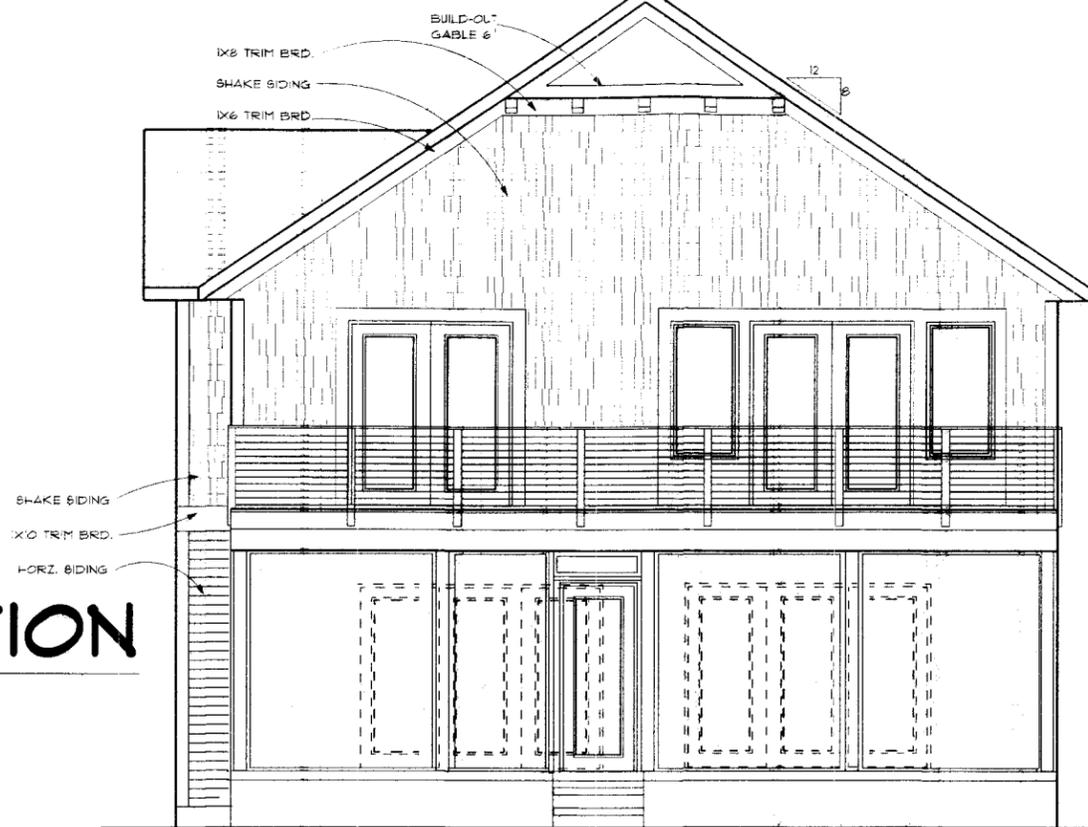
JULY 20, 2016

DESPITE THE FACT THAT ALL POSSIBLE CAUTION IS TAKEN IN THE PREPARATION OF THESE PRINTS, THE PLANNING STAGE LIMITS ALL LIABILITY FOR HUMAN AND MECHANICAL ERROR. THE BUILDER/OWNER IS RESPONSIBLE FOR CHECKING ALL DETAILS AND DIMENSIONS BEFORE BEGINNING CONSTRUCTION.

**PROJECT
 #160415**

WEST ELEVATION

1/4" = 1'-0"



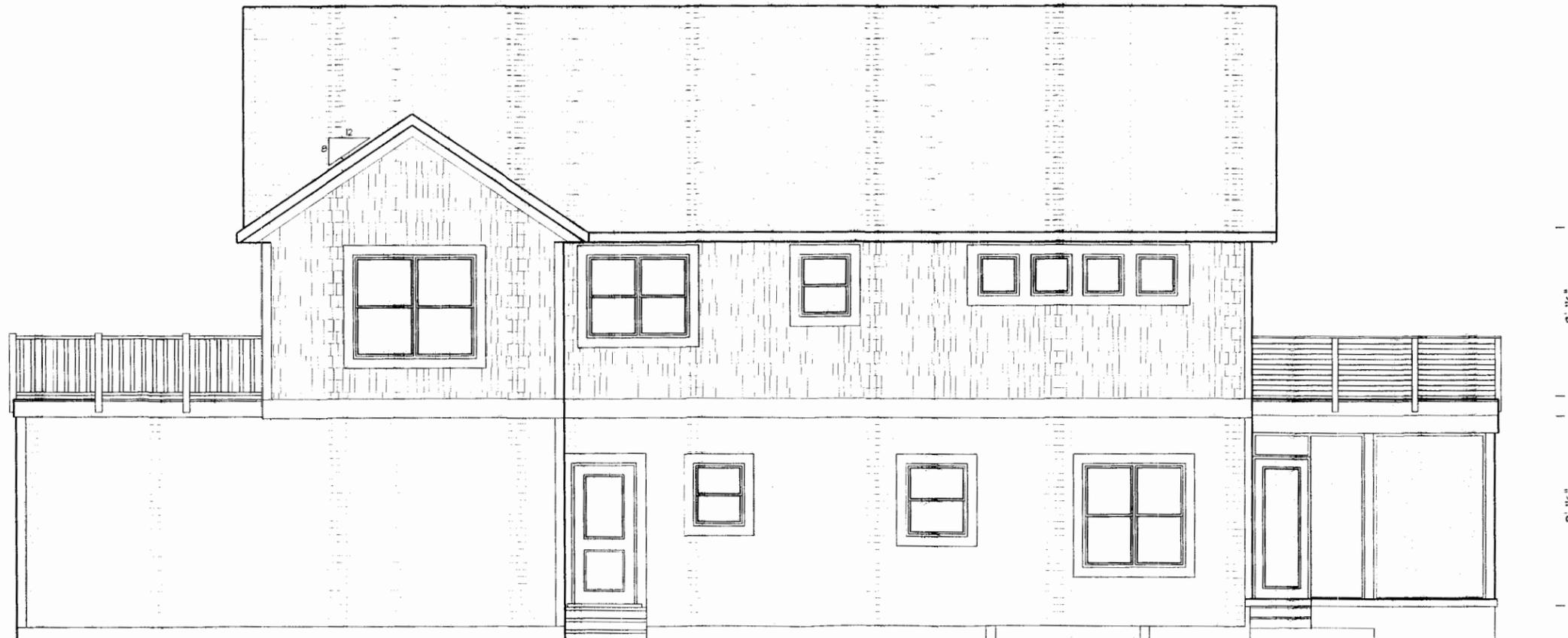
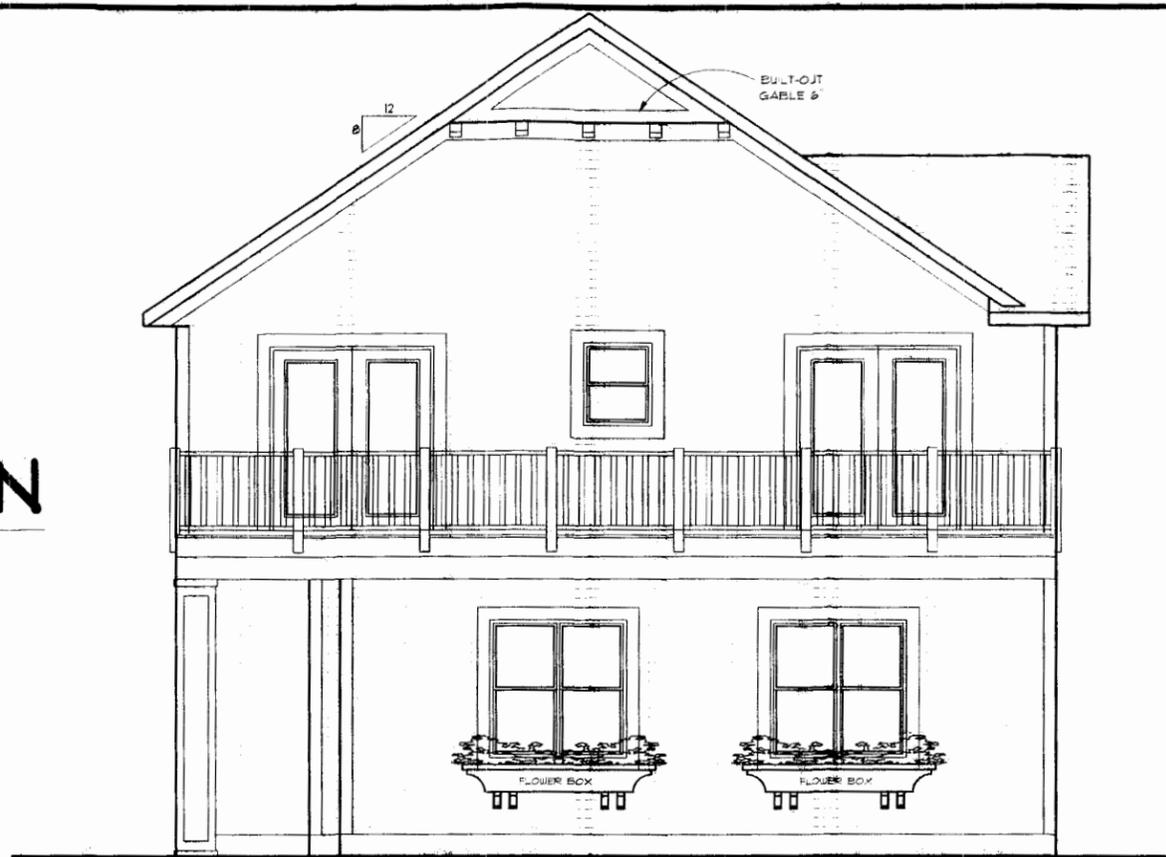
SOUTH ELEVATION

1/4" = 1'-0"

THE PLANNING STAGE

EAST ELEVATION

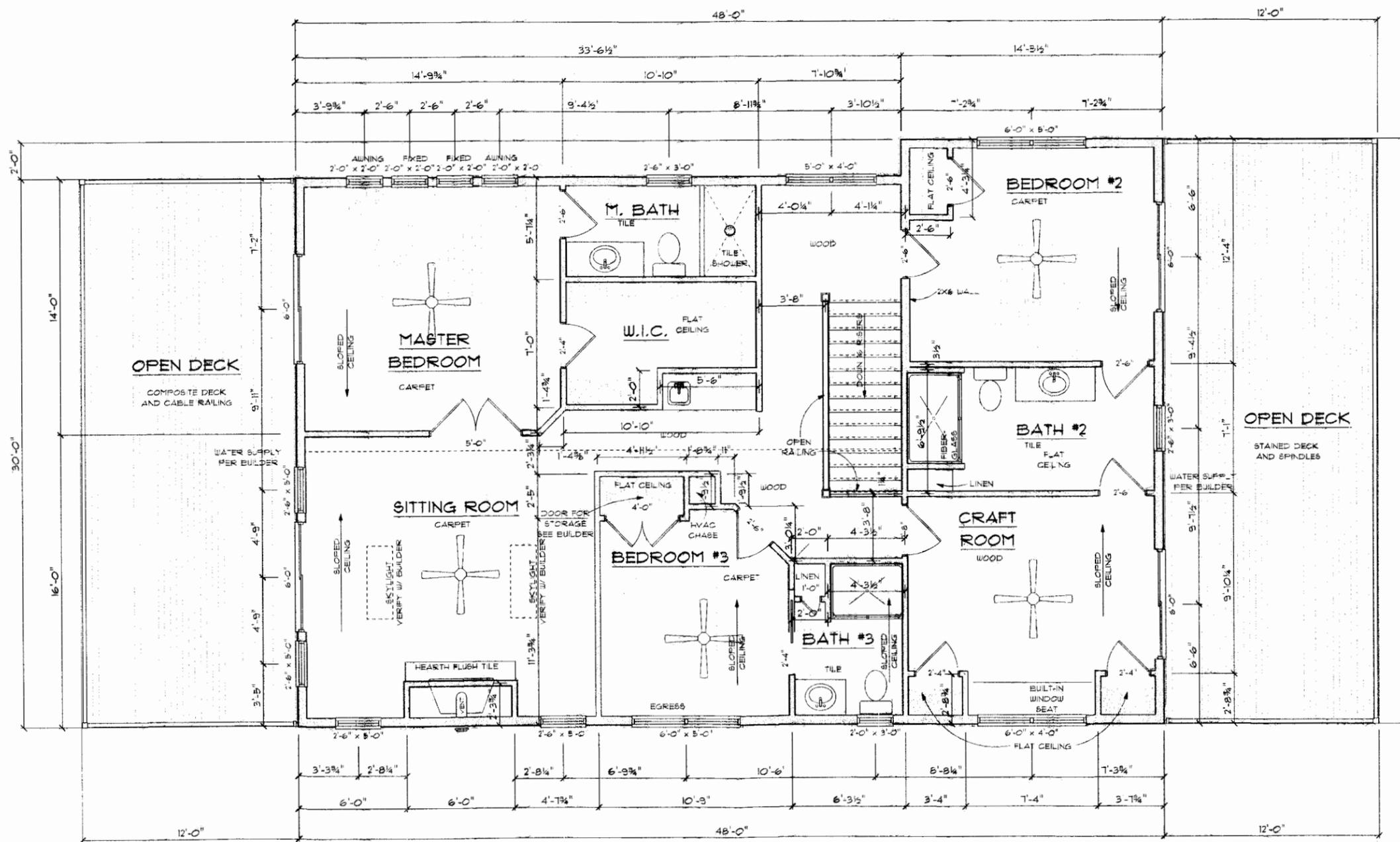
1/4" = 1'-0"



NORTH ELEVATION

1/4" = 1'-0"

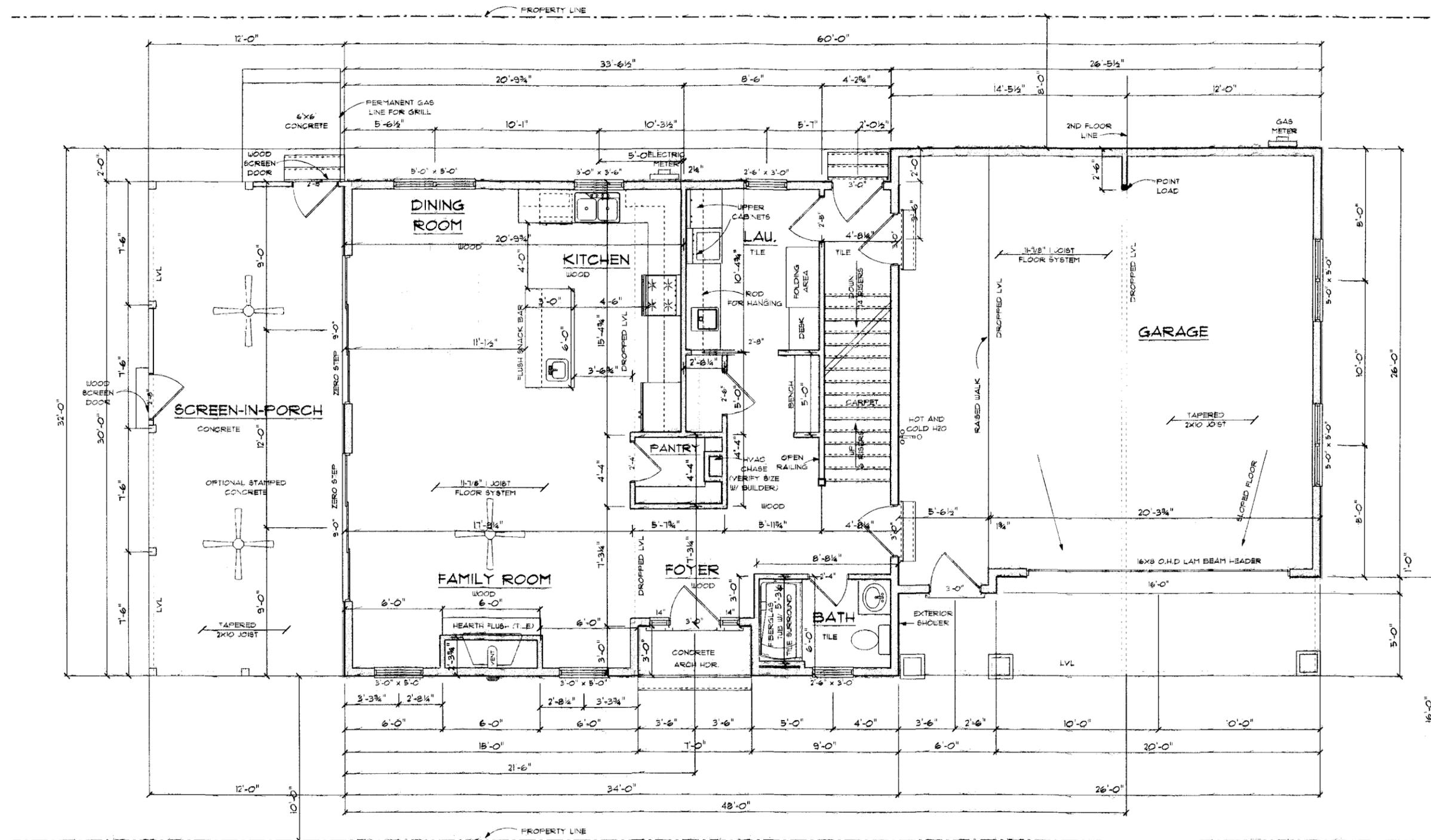
THE PLANNING STAGE



2ND FLOOR PLAN

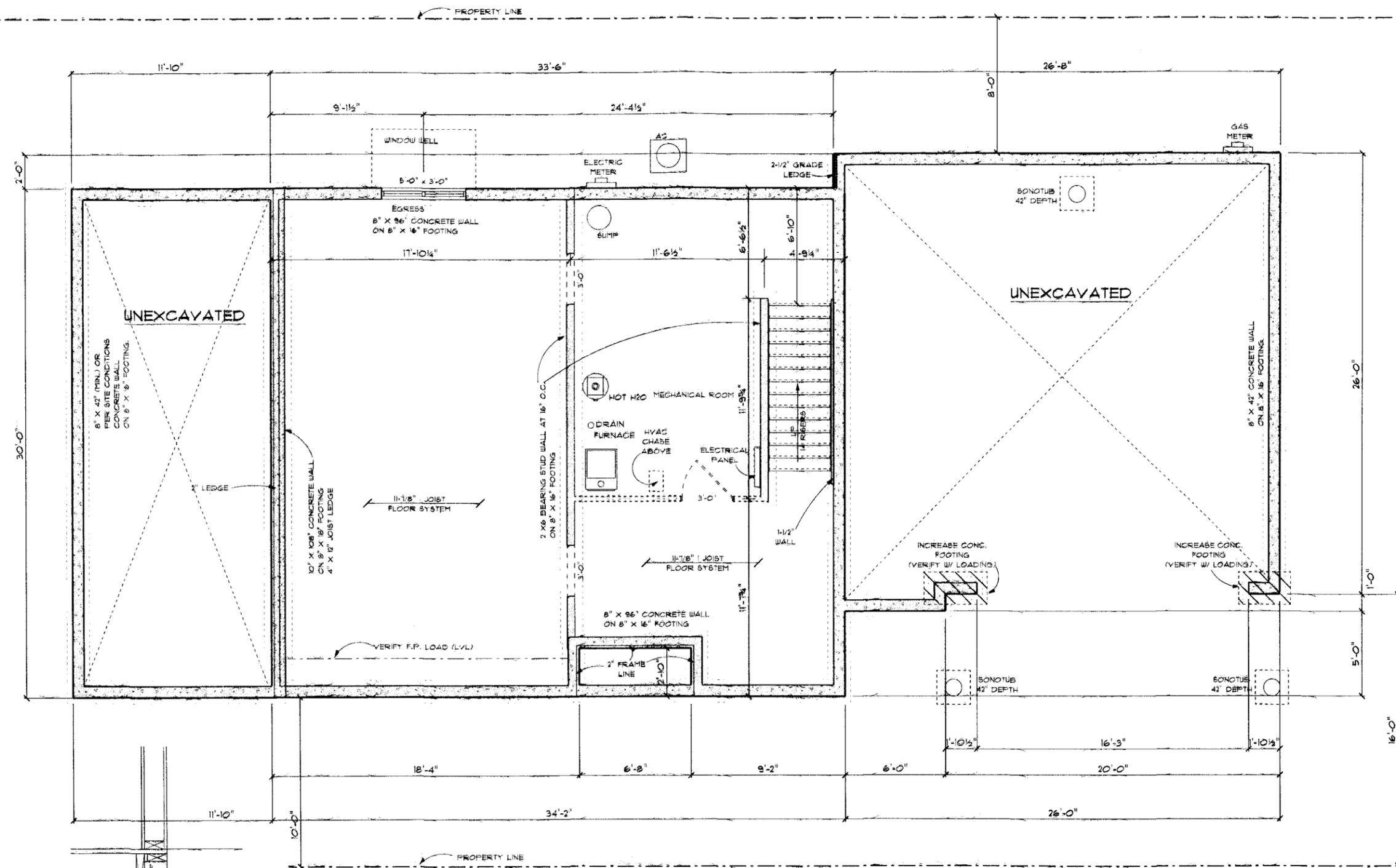
1/4" = 1'-0" 1475 SQ. FT.

THE PLANNING STAGE



MAIN FLOOR PLAN

1/4" = 1'-0" 1005 SQ. FT.

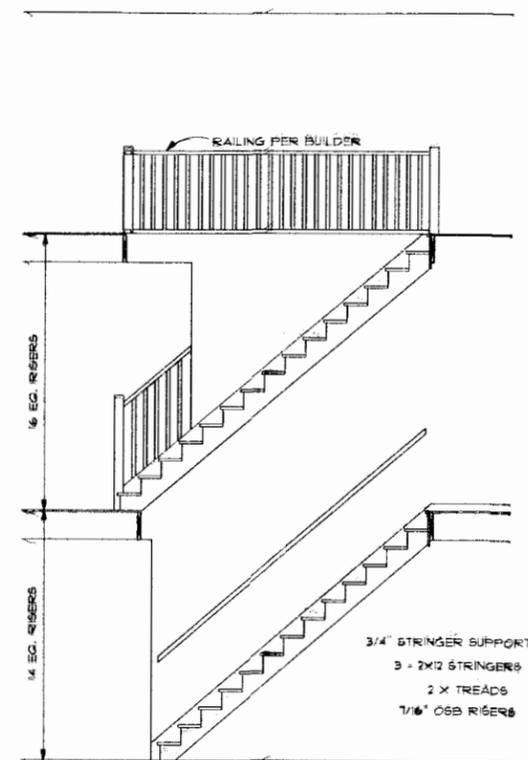
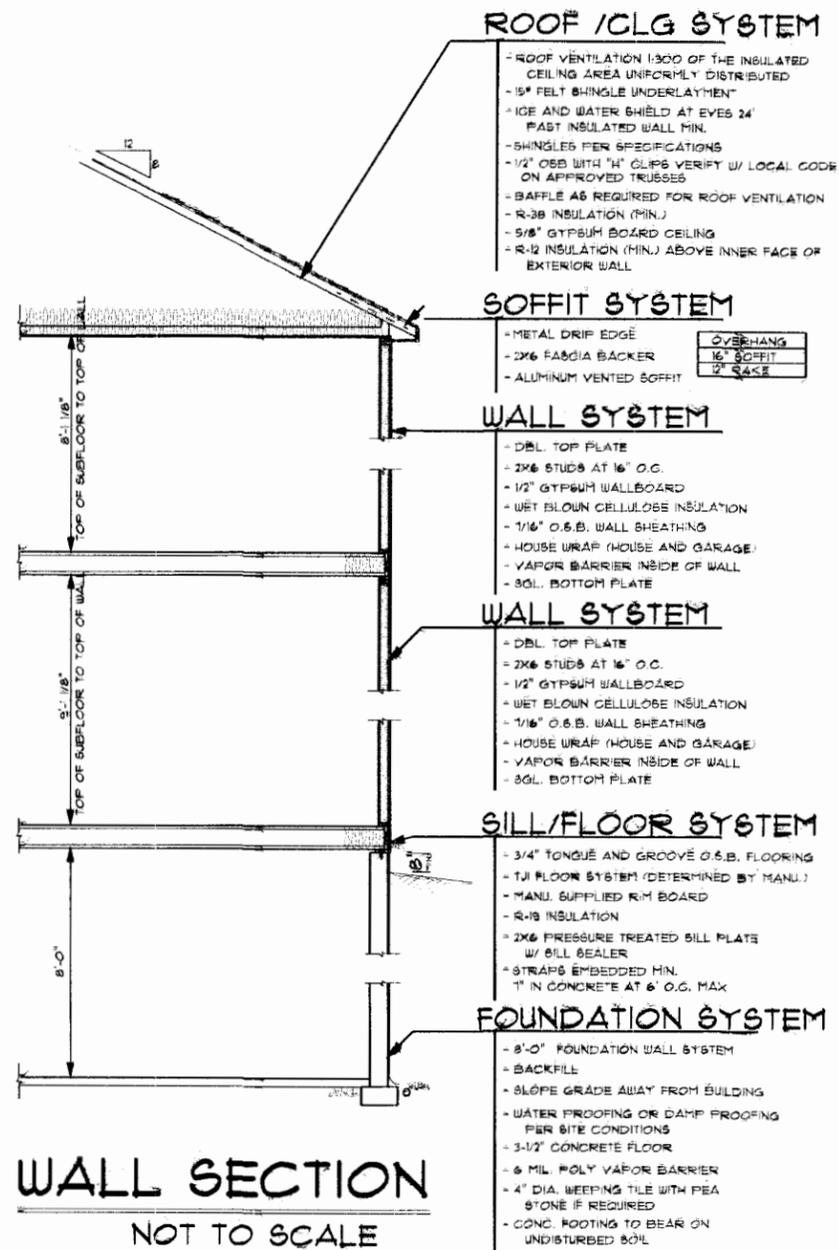


FOUNDATION WALL DETAIL
 1/2" = 1'-0"

FOUNDATION PLAN

1/4" = 1'-0"

THE PLANNING STAGE

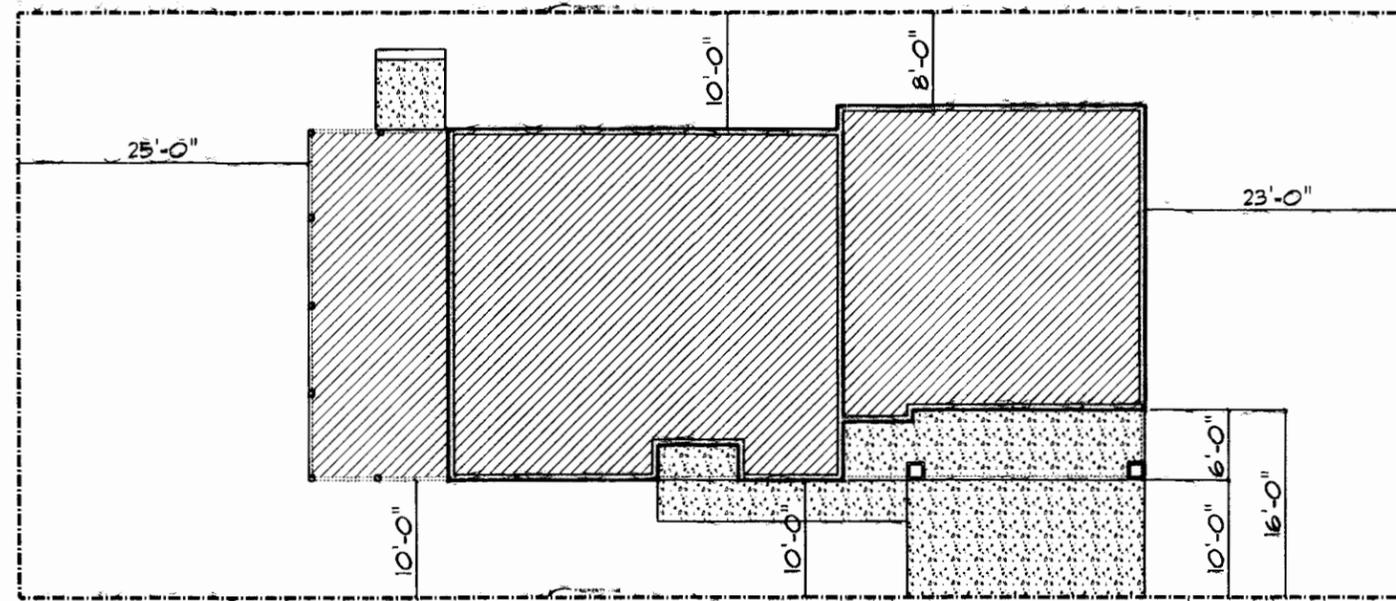


STAIR SECTION
NOT TO SCALE

THE PLANNING STAGE

95 WILLOW CT. SOUTH HAVEN, MI 49090

P.P.# 80-53-733-015-00



SITE PLAN
1" = 20'

Handwritten notes:
1/10/16
CPL

Handwritten note: 1/10/16

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

FINAL SITE PLAN

Date of Submittal 8-11-2016

Date of PC Review 9-14-2016

Name of Applicant Phil Roehm

Address of Applicant PO Box 54 South Haven, MI

Applicant Telephone No. (269) 744-2051

Project Name (if any) New residence

Brief Project Description Build new house

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

	Provided	Not Provided	Not Required
1. Legal description of property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Small scale sketch of properties, streets, and uses of land within ½ mile of the area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Generalized map showing existing and proposed arrangement of:			
a. Streets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Lots	<u>NA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Access points	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Other transportation arrangements	<u>NA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Buffer strips	<u>NA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Natural characteristics	<u>NA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Signs – location and lighting	<u>NA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Sketch building elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. A narrative providing:			
a. Objectives of the proposal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Dwelling unit densities by type	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Proposed method of providing sewer and water service, as well as other public and private utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Proposed method of providing storm drainage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed method of revegetating open land areas, both pre-existing and newly created, to a stable condition	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the content of the site plan acceptable in relation to the size and complexity of the project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

If no, what additional information is needed?

Review performed by Linda Anderson

SITE PLAN REVIEW FORM

Date 8-15-2016

ZONING ADMINISTRATOR/PLANNING CONSULTANT REVIEW

ZONING ORDINANCE COMPLIANCE

Preliminary Site Plan Final Site Plan

Project name, if any New residence
 Project location 95 Willow Court
 Brief project description New residence

	Requirement	Proposal
Use Regulations	<u>Multi-fam</u>	<u>Single fam. res.</u>
Comments	<u>Single family homes are permitted</u>	
Lot Area	<u>8712² ft</u>	<u>6000² ft</u>
Comments		
Lot Width	<u>66'</u>	<u>50'</u>
Comments		
Lot Area Coverage	<u>30%</u>	<u>39%</u>
Comments	<u>variance obtained from ZBA (Oct 2015)</u>	
Front Yard	<u>25'</u>	<u>23'</u>
Comments	<u>variance obtained from ZBA (Oct 2015)</u>	
Side Yards	<u>12'</u>	<u>10' + 8'</u>
Comments	<u>variance obtained from ZBA (Oct 2015)</u>	
Rear Yard	<u>25'</u>	<u>25'</u>
Comments		
Height	<u>35'</u>	<u>30' 6"</u>
Comments		
Off-Street Parking	<u>2</u>	<u>2 in garage</u>
Comments	<u>Driveway permit not required - private drive per city engineer</u>	
Rezoning needed?	<u>No</u>	
Special Use Permit needed?	<u>No</u>	
Variations needed?	<u>Variations granted</u>	

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:

Review performed by Linda Anderson Date 8-15-2016
 SITE PLAN REVIEW

DRIVEWAY

Linda Anderson

From: Larry Halberstadt
Sent: Thursday, August 11, 2016 3:05 PM
To: Linda Anderson
Subject: RE: now for something different....

No. But if the driveway is onto Willow Ct, I don't need to because that is a private road. If the driveway is onto North Shore, then they need a permit.

From: Linda Anderson
Sent: Thursday, August 11, 2016 2:49 PM
To: Larry Halberstadt <lhalberstadt@south-haven.com>
Subject: now for something different....

Did you issue a driveway permit for 95 Willow Ct? (Phil Roehm property)

■ Linda S. Anderson//City Planner//Zoning Administrator
City of South Haven // Office (269) 637-0760
Building Services Department, 539 Phoenix Street, South Haven, MI 49090 // www.landerson@south-haven.com

The City of South Haven Cares. Print only when necessary.

Condo Ass'n

Linda Anderson

From: Larry <larryjh@gmail.com>
Sent: Monday, August 08, 2016 9:39 AM
To: Linda Anderson
Cc: Rich Bloem; Phil; Kim (h-web) Roehm; Jerry Molitor
Subject: Phil & Kim Roehm - 95 WILLOW CT.

Good Morning Linda,

I was asked by Phil and Kim Roehm to confirm a couple of details related to their upcoming construction project.

The lot that the Roehm's will be building on, 95 Willow Court, was acquired by the Waters Edge Condominium Association in 2015. It was made part of the association by a vote of its members. It is designated as Waters Edge Unit #15. The parcel was sold to the Roehm's in July of 2015 and remains part of the association.

They have submitted building plans to the association board for approval. Those plans have been reviewed and approved by the board.

If I can be of any further assistance or if you need any clarification, please feel free to contact me.

- Larry Hoffman, Secretary
Waters Edge Condominium Association Board of Directors

City Council

Staff Report



Agenda Item #7 Nonconforming Lots, Uses and Structures Zoning Amendment

City of South Haven

Background Information:

Zoning ordinance section 1901 as it exists is very confusing and difficult to interpret given that it does not clearly delineate between nonconforming *uses*, *structures* or *lots*. For example, section 1901 is subtitled Legal Nonconforming Lots, Uses, Buildings and Structures but nonconforming lots are not addressed until section 1909, much later in the article. Another example is section 1901-2 which appears to address nonconforming uses but changes direction by adding fragments of regulation for nonconforming structures. It is very difficult to follow and interpret this section as written. While working with the city attorney drafting the short term rental ordinances, it was again noticed both by staff and the attorney that the nonconformity article was confusing and contradictory. As a result, the attached text was drafted in hopes of helping to clarify an already confusing aspect of zoning.

The revised text clearly explains the regulations applying to each type of nonconformity. For example, nonconforming uses (this would include commercial uses, residential uses and industrial uses which are located in an incorrect zone) may be increased or even replaced in certain instances. Nonconforming structures (this would include an existing residence or other building that is too tall, too close to the lot lines or too large for the lot) may only be rebuilt in compliance with current zoning rules except under certain, specified conditions.

Nonconforming lots (such as lots that are too small or narrow to be in compliance with the current zoning rules) are regulated under a later section of the article (Sec. 1909).

At their June 2, 2016 regular meeting, the Planning Commission held a public hearing on the proposed amendment and received no comments. After the hearing the commissioners decided to meet again as a subcommittee to discuss with the city attorney the interpretation of the word "discontinued" as used in reference to nonconforming structures. On July 29, 2016 the commissioners discussed the matter with the city attorney (via speaker phone) at a worksession and resolved any remaining issues.

Recommendation:

The planning commission is now asked to make a formal recommendation to send the attached amendment and resolution to the city council with a recommendation to adopt.

Attachments:

Draft Zoning Ordinance Section 1901
Resolution

Respectfully submitted,
Linda Anderson
Zoning Administrator

**CITY OF SOUTH HAVEN
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 1901 OF THE SOUTH HAVEN
ZONING ORDINANCE TO REGULATE NONCONFORMING LOTS, USES,
AND STRUCTURES**

The City of South Haven Ordains:

Section 1. Amendment. Section 1901 of the South Haven Zoning Ordinance is amended to read as follows:

Sec. 1901. LEGAL NONCONFORMING LOTS, USES, AND STRUCTURES

1. *Nonconformities generally*. A legal nonconforming lot, use, or structure legally existing at the time when this Ordinance was adopted or is amended in relevant part may be continued even if it no longer conforms to the provisions of this Ordinance. However, a legal nonconformity may not be increased in any manner unless otherwise provided in this Ordinance.
2. *Nonconforming uses*. The following regulations apply to nonconforming uses:
 - a. *Increases in use*. Increases in nonconforming uses include, but are not limited to:
 - i. Occupying a greater area of land than was occupied at the time the use became nonconforming.
 - ii. Moving the nonconforming use in whole or part to any other portion of the lot than was occupied when it became nonconforming, unless approved under the provisions of this Article, a variance, or a special use permit.
 - b. *Replacement with conforming use*. Whenever a nonconforming use is replaced by conforming use, the nonconforming use may not be resumed and any subsequent use of the land must conform to the regulations for the district in which it is located.
 - c. *Discontinuance of nonconforming use*. Whenever a nonconforming use is discontinued for a period of 12 months or more, the nonconforming use may not be resumed and any subsequent use of the land must conform to the regulations for the district in which it is located.
3. *Nonconforming structures*. The following regulations apply to nonconforming structures:
 - a. *Change in use in nonconforming structure*. A nonconforming structure may not be enlarged or altered in a way that increases its nonconformity, but the use of a nonconforming structure may be changed or altered to any use permitted in the district in which it is located. Further, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of the relevant adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - a. *Destruction*. If a nonconforming structure is destroyed by any means to an extent of more than sixty (60%) percent or twice its assessed valuation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Where nonconforming status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
 - b. *Relocation of structure*. If a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located.

- b. *Single-family dwellings in business districts.* In business districts, existing single-family dwellings are permitted to add accessory buildings and uncovered decks in accordance with the requirements of the districts in which they are located.
- 4. *Changes toward conformity.* Changes on a lot that help bring it into or closer to conformity with this Ordinance are permitted. Such activities include, but are not limited to increasing parking where it is deficient, adding landscaping screening, or fencing where it otherwise is required or would help mitigate a negative impact on abutting property, or replacing signs which do not conform with this Ordinance with ones that do.
- 5. *Additions relating to multi-family occupancy.* Decks, stairways, fire escapes and wheelchair ramps shall not be considered an expansion to a multiple-family residential nonconforming structure in an R-1 or R-2 district if all of the following conditions have been met:
 - a. The addition meets the dimensional standards of the zoning ordinance;
 - b. There is no roofing, screening or enclosure of the addition;
 - c. The height of the floor of a deck addition is not above the first story floor level of the main structure being added to;
 - d. No part of a deck addition structure is located above the guardrail or hand railing height as required by the building code; and
 - e. The baluster area between the flooring and the guardrail or hand railing shall have at least a fifty (50%) percent open area.
- 6. *Fences and dumpster corrals.* Fences and dumpster corrals shall not be considered an expansion of a nonconforming use if the proposed fence or dumpster corral meet the zoning ordinance standards for a conforming use.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This true and complete copy of Ordinance No. _____ was declared adopted at a Regular Meeting of the South Haven City Council held on _____, 2016.

Robert Burr, Mayor

Amanda Morgan, City Clerk

PC Hearing: _____, 2016
 Introduced: _____, 2016
 Adopted: _____, 2016
 Published: _____, 2016
 Effective: _____, 2016

**PLANNING COMMISSION
CITY OF SOUTH HAVEN**

Van Buren and Allegan Counties, Michigan

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

RESOLUTION 2016- _____

**RESOLUTION APPROVING AND RECOMMENDING CITY COUNCIL
APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT TO
ORDINANCE SECTION 1901**

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 June 2, 2016, 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:

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:

1. The Planning Commission determines that the proposed amendment to zoning ordinance section 1901 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 add clarity to the terms and regulations attached to nonconforming uses, structures and lots.
2. The Planning Commission approves the amendment as submitted, (PC Case No. 2016-0014) 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 September 8, 2016.

Date: September 8, 2016

Marsha Ransom, Recording Secretary



Agenda Item #8 Capital Improvements Review

City of South Haven

Background Information:

The State Planning Enabling Act of 2008, as amended, requires that planning commissions review all proposed capital improvement projects before any work commences. This requirement is often overlooked in municipalities but the city has decided to now include this step in the process. The planning commission will not be completing an engineering technical review of the projects. You will only be looking at aspects of the projects which are included in the zoning ordinance such as exterior lighting and *"location, character, and extent of the street, public way, open space, structure, or utility"*. The full text of the public act is included below.

125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.

Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

Recommendation: The review of capital projects does not require a public hearing or neighbor notification as this is covered by other departments, if necessary. The planning commission need only review the plans and make a recommendation for the Board of Public Utilities. Staff recommends approval of the attached plans as submitted.

Support Material:

Capital Improvements Review



Engineering
Architecture
Land Surveying
Marina/Waterfront
Community Planning
Landscape Architecture
Development Services

MEMORANDUM

DATE: August 26, 2016

TO: Linda Anderson, Zoning Administrator
Planning Commission Board Members

FROM: Amy Cook, Project Manager

RE: City of South Haven Black River Park Fishing Platform & Bank Stabilization

Project Name: Fishing Platform and Bank Stabilization Project

Outline: The City is planning to improve Black River Park by turning the former DPW site on the bank into a park. As part of the project, a parking lot (which includes eight regular spaces and one handicapped space) would be built, the bank would be stabilized with riprap and plantings, and a universally accessible 12' x 60' fishing platform is planned. Other amenities include a privacy fence for screening to the East and grading to create a level landing for kayak launching to the West of the fishing platform.

Future phases of the park would include landscaping and a gazebo as well as a fence to cross the creek and connect to dockside walkways. The plan is to take a popular fishing area (Black River Park) and expand it into a family-friendly park.

The kind of universal accessibility that this project would offer is vital to the goals of the South Haven Recreational Plan. The project would be part of the City's central strategy to offer increased recreational opportunities and enhanced public access to the community's natural resources and waterways – two of the nine goals of the City's Recreational Plan.

Funding: The City was awarded a DNR Land and Water Conservation Fund Grant. The funding award of \$78,100 will be matched with the City's contribution of \$78,100 for a total project cost of \$156,200.

Schedule: Upon DNR and City plan approval, bidding will commence with award and construction starting in mid-October. The fishing platform construction is planned for the Fall of 2016 (weather dependent) with the parking lot and site improvements to be completed in the Spring of 2017.

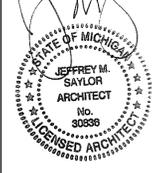
95 West Main Street
Benton Harbor, MI 49022
269.927.2295

361 First Street
Manistee, MI 49660
231.723.1198

503 Quaker Street
South Haven, MI 49090
269.637.1293

750 Lincoln Way East
South Bend, IN 46601
574.232.8700

3177 Willowcreek Road
Portage, IN 46368
219.850.4624



HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALES INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

SCALE:
 HORZ: 1"=20'
 VERT:

PROJECT NO:
 15-0214

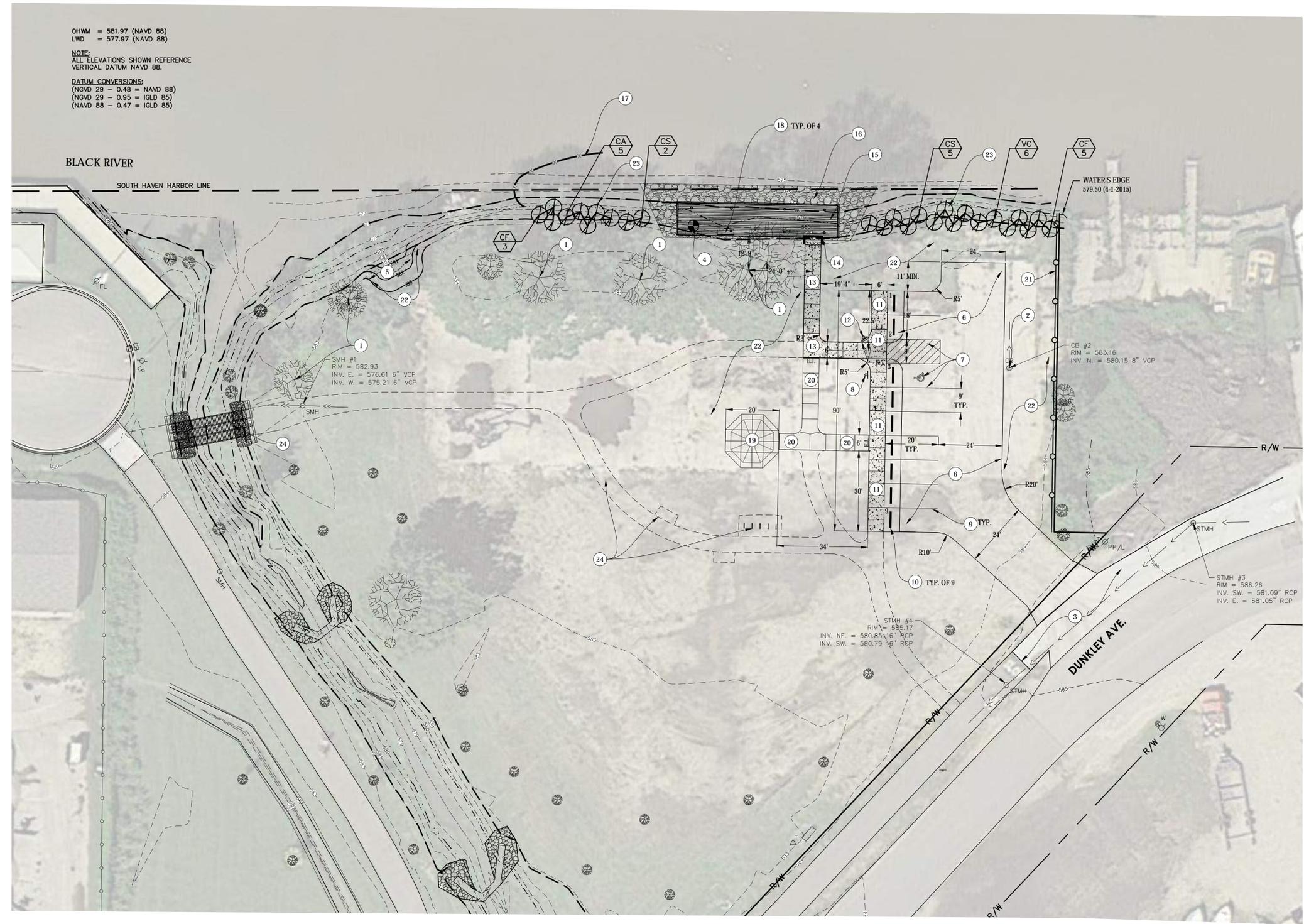
SHEET NO.
 C1.2

SITE PLAN KEYNOTES

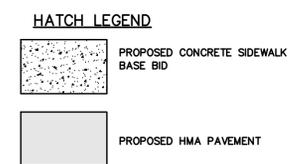
- EXISTING TREE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION.
- EXISTING CATCH BASIN TO REMAIN.
- EXISTING CONCRETE SURFACE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION.
- SOIL BORING APPROXIMATE LOCATION. SEE REPORT IN SPECIFICATIONS.
- RE-GRADE AREA AS SHOWN TO PROVIDE RUSTIC KAYAK LAUNCHING AREA.
- NEW PAVED PARKING LOT: ADA (1) AND ADDITIONAL (8) PARKING SPACES AND ACCESSIBLE AISLE TO BE BITUMINOUS 4 INCH. INSTALL PER DETAIL ON SHEET C2.1 AND SPECIFICATIONS. SLOPE MUST BE LESS THAN 2% IN ALL DIRECTIONS FOR ACCESSIBLE PARKING SPACES AND ACCESS AISLE. SEE GRADING PLAN - SHEET C1.3.
- NEW ACCESSIBLE PARKING STRIP AND ADA LOGO TO BE WATERBORNE PAINT. BLUE, 4 INCH TYPICAL FOR ADA SPACE AND ACCESS AISLE STRIPING. REFER TO SPECIFICATIONS.
- NEW ADA PARKING SIGNAGE. ADD ADDITIONAL VAN ACCESSIBLE SIGN. SEE DETAIL ON SHEET C2.1 AND SPECIFICATIONS.
- NEW PARKING STRIPING FOR NON-ADA SPACES TO BE WATERBORNE PAINT. WHITE, 4 INCH.
- NEW CONCRETE PARKING BUMPER 8" TO BE STAKED IN PLACE PER DETAIL ON SHEET C2.1.
- NEW 6" WIDE CONCRETE SIDEWALK ADJACENT TO PARKING LOT TO BE 6 INCH THICK. INSTALL TOOLED CONTROL JOINTS AND EXPANSION (EXP JT) SPACED AS SHOWN TO LINE UP WITH PARKING SPACES AS SHOWN. SEE GRADING PLAN, SHEET C1.3. DETAILS ON SHEET C2.1 AND SPECIFICATIONS.
- NEW LAND AND WATER PLAQUE TO BE FURNISHED BY THE OWNER FOR INSTALLATION BY THE CONTRACTOR. INSTALL PER DETAIL ON SHEET C2.1.
- NEW ACCESSIBLE ROUTE TO FISHING PLATFORM TO BE 6" WIDE, 6 INCH THICK CONCRETE. INSTALL TOOLED CONTROL JOINTS AND EXPANSION (EXP JT) AS SHOWN. SEE GRADING PLAN SHEET C1.3. DETAILS ON SHEET C2.1 AND SPECIFICATIONS. BID AS ALTERNATE A-1 - 4 INCH THICK ACCESSIBLE ROUTE TO FISHING PLATFORM.
- NEW CONCRETE HEADWALL ADJACENT TO PLATFORM. SEE DETAIL ON SHEET A2.1 AND SPECIFICATIONS.
- NEW FISHING PLATFORM. SEE ARCHITECTURE PLANS SHEET A1.1, A1.2 & A2.1.
- NEW RIP-RAP. 175 SYDS FOR BANK STABILIZATION. SEE DETAIL ON SHEET C2.1 AND SPECIFICATIONS.
- NEW TURBIDITY BARRIER, 60 LFT. SEE SHEET C1.4 AND SPECIFICATIONS.
- NEW SURFACE MOUNT BENCH TO BE PROVIDED BY OWNER.
- NEW CONCRETE PAVEMENT SURFACE FOR PLACEMENT OF PAVILION (BY OTHERS) TO BE 6 INCH THICK CONCRETE. INSTALL TOOLED CONTROL JOINTS AS SHOWN. SEE GRADING PLAN SHEET C1.3. DETAILS ON SHEET C2.1 AND SPECIFICATIONS. CONCRETE TO BE BID AS ALTERNATE A-2.
- NEW CONCRETE SIDEWALK TO BE 6" WIDE, 6 INCH THICK CONCRETE. INSTALL TOOLED CONTROL JOINTS AND EXPANSION (EXP JT) AS SHOWN. SEE GRADING PLAN SHEET C1.3. DETAILS ON SHEET C2.1 AND SPECIFICATIONS. BID AS ALTERNATE A-3. ALSO BID AS 6" WIDE, 4 INCH ALTERNATE A-4.
- NEW FENCE: TO BE 6' HIGH WHITE VINYL PRIVACY FENCE - FOREST MAJESTIC FENCE BY LAKESHORE VINYL PRODUCTS OR APPROVED EQUAL. 120 LFT TO BE INSTALLED ALONG BOUNDARY TO PROVIDE SCREEN. INSTALL IN 12" DIA. X 42" DEPTH CONCRETE FOOTINGS. SEE SPECIFICATIONS.
- NEW RESTORATION SEEDING AND MULCH BLANKET FOR ALL DISTURBED AREAS. SEE SPECIFICATIONS.
- NEW SHRUBS TO BE PLANTED ALONG SLOPE FOR BANK STABILIZATION. SEE PLANT MATERIAL LIST AND SHRUB PLANTING DETAIL THIS SHEET.
- PROPOSED FUTURE SIDEWALK, AMENITIES AND PEDESTRIAN BRIDGE.

ALTERNATES

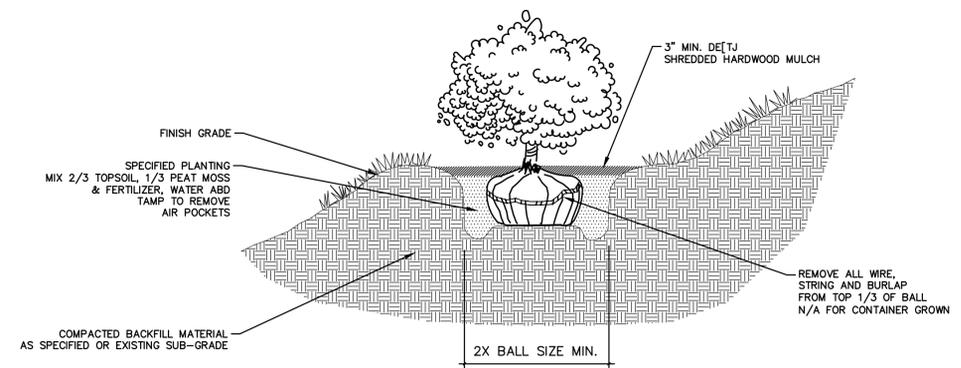
- PROPOSED ACCESSIBLE ROUTE TO FISHING PLATFORM (13) SUBMIT DEDUCT BID FOR 4 INCH THICK CONCRETE IN PLACE OF 6 INCH THICK.
- NEW CONCRETE PAVEMENT SURFACE FOR PLACEMENT OF PAVILION (BY OTHERS) TO BE 6 INCH THICK CONCRETE (19)
- NEW CONCRETE SIDEWALK TO BE 6" WIDE, 6 INCH THICK CONCRETE (20)
- NEW CONCRETE SIDEWALK TO BE 6" WIDE, 4 INCH THICK CONCRETE (20)



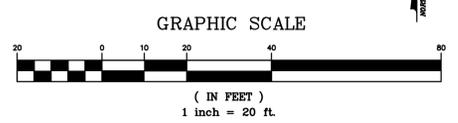
OHWM = 581.97 (NAVD 88)
 LWD = 577.97 (NAVD 88)
 NOTE:
 ALL ELEVATIONS SHOWN REFERENCE VERTICAL DATUM NAVD 88.
 DATUM CONVERSIONS:
 (NGVD 29 - 0.48 = NAVD 88)
 (NGVD 29 - 0.95 = IGLD 85)
 (NAVD 88 - 0.47 = IGLD 85)



PLANT MATERIAL LIST					
KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
SHRUBS					
CA	CLETHRA ALNIFOLIA	SUMMERSWEET	NO. 5	5	STAGGER PLANTS AS SHOWN
CS	CORNUS ALBA 'SIBERICA'	REDTWIG SIBERIAN DOGWOOD	NO. 5	7	STAGGER PLANTS AS SHOWN
CF	CORNUS SERICEA 'FLAVIRAMEA'	YELLOW TWIG DOGWOOD	NO. 5	8	STAGGER PLANTS AS SHOWN
VC	VIBURNUM TRILOBUM COMPACTUM	DWARF CRANBERRY BUSH VIBURNUM	NO. 5	6	STAGGER PLANTS AS SHOWN



SHRUB ON SLOPE PLANTING DETAIL
 NOT TO SCALE



NO.	REVISION DESCRIPTION:	BY:	DATE: