

# Planning Commission

## Regular Meeting Minutes Thursday, October 2, 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: Heinig, Miles, Peterson, Smith, Wall, Webb, Paull  
Absent: Frost, Stimson

Motion by Wall to excuse Commissioners Frost & Stimson.

All in favor. Motion carried.

### 3. Approval of Agenda

Motion by Wall, second by Heinig to approve the October 2, 2014 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – September 4, 2014

Motion by Smith, second by Wall to approve the September 4, 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

There is no new business.

## 7. Unfinished Business

### a) Brussee rezoning request from B-3 to R1-A

Paull noted that this proposal was brought to the Planning Commission at a prior meeting; a public hearing has already been held. The commission is now at the point of deliberation and a decision.

Motion by Heinig, second by Smith to remove this item from the table.

All in favor. Motion carried.

Paull noted he does not anticipate input from anyone since the commission has already held a public hearing; questions from the commissioners to the applicants and their representative are allowable.

Anderson stated that at a public hearing on July 10, 2014 this item was tabled because the commission was also looking at amendments recommended by City Council. The planning commissioners had voiced some concern with those proposed amendments. Anderson pointed out that the commission tabled this item to see how those proposed amendments by City Council would be resolved. New amendments have since been adopted, but do not affect this issue, because this proposal came in before those amendments were made.

Anderson explained that tonight the commission is dealing with the applicant's request to rezone his property from B-3, Waterfront Business, to R-1A, Single Family Residential. If property is zoned R-1A it allows single family homes on relatively small lots. Kept in the B-3 zone, it would allow for a single family home with a special use permit. Businesses could be in that zone but the applicant's lot is too small for any business allowed in that zone. The Master Plan and the Zoning Ordinance have standards for considering rezoning and that those standards were covered in the staff review. Anderson stated that the task before the commission is to determine whether to make a recommendation to City Council. Anderson noted that City Council will eventually make the final decision, not the Planning Commission.

Smith: Has been by the property a few times and while he is concerned about changing zoning, he feels that given the residential nature of the neighborhood and the size of the lot he can see the way clear to rezoning. Smith does not see the benefit of requiring just a single family home on that site and explained that if a business cannot be put there, rezoning should happen.

Peterson: Expressed concern that rezoning this parcel may be setting a precedent for other B-3 lots and asked, "Are there other properties in the B-3 that are right for this? Are we on a slippery slope if we rezone this?"

Wall: Stated there is no way to allow a business on this property due to its size and no room for parking. Even a drive-through business cannot be located on this property because the lot is not big enough. Wall noted that council was looking to make sure that this is the only parcel to fit rezoning and that there is no way to put a business on it. There are mixed feelings about this piece of property; whether this lot should be one

single family home or two. Wall stated that she does not have a feeling one way or the other; our ordinances have to be followed.

Heinig: Believes there were thirty-four (34) parcels in the B-3 zone which had houses on them or were small enough that they could not, of themselves, accommodate the requirements for a business.

Paull: Pointed out that most of the parcels in question are not big enough to be split; a precedent might be established if the property is rezoned, but Paull does not think there are very many other parcels in the B-3 zone that would benefit from being split. Noted that is one of the reasons why the Planning Commission wanted to modify B-3 to begin with. These are small lots although there may be a couple other lots that could be split.

Paull noted that looking at the property and what currently exists around the subject property at the moment; it is more a residential neighborhood. Secondly, if one were to build a house on the lot as it currently exists, such a house would likely be way out of scale compared to anything else around there. Paull asked Anderson, about the master plan recommendations of that area related to do with scale.

Anderson: That side of North Shore Drive from the property in question to roughly the area of Yelton Manor is in the resort category of future land use. There are not a lot of goals existing for this category and no correlating zoning ordinance. Regarding signage, the bed and breakfasts existing in that area are encouraged to keep signage in a smaller scale to protect the neighborhood character of the area.

Paull: Feels that a single house on that lot could be huge which would be way out of character in that area. Splitting the lot so two (2) reasonable size houses could be built makes sense to him

Motion by Wall, second by Peterson to recommend to council R1-A rezoning due to the configuration of the lot; inability to place a business on the lot; the character of neighborhood, and to keep development in scale with other residences.

A roll call vote was taken.

Ayes: Miles, Peterson, Smith, Wall, Webb, Paull  
Nays: Heinig

Motion carried.

## **8. Commissioner Comments**

Wall: The leaves are falling and they're saying there is going to be snow up north.

Heinig: Would like to publicly thank Chief Martin and numerous members of his staff in helping the sub-committee understand about decibels and the noise ordinance.

Paull: Thanked Heinig for the work he did in helping us understand. Thinks we are getting fairly close to completing our assignment concerning the noise ordinance.

**9. Adjourn**

Motion by Wall, second by Heinig to adjourn at 7:18 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,  
Marsha Ransom  
Recording Secretary