

Planning Commission

Regular Meeting Minutes Thursday, December 3, 2015 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, Gruber, Heinig (7:26 p.m.), Miles, Stimson, Webb, Paull
Absent: Peterson, Smith

Motion by Gruber, second by Miles to excuse Heinig, Peterson, and Smith.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Stimson, second by Gruber to approve the agenda moving Item #7A after #5.

All in favor. Motion carried.

4. Approval of Minutes – November 5 and November 13, 2015

Motion by Frost, second by Stimson to approve the November 5, 2015 Regular Meeting Minutes and the November 13, 2015 Special Meeting Minutes as written.

All in favor. Motion carried.

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

Paull requested all comments to be kind and there be no attacks on other people. Pointed out that there are officers in the room, and said if he does not like the attitude he will have them clear the room.

Maureen Moravec, 1034 Midway Drive: Spoke about the number of registered voters for the city elections in South Haven; the amount of money brought in for 2014 homestead taxes, non-homestead taxes and business taxes, noting this is the tax base the city of South Haven works off of.

Steve Runkle, 16 Pine Street: Thanked those working on the rental ordinance. Spoke about wanting to see a seven (7) day minimum required for short-term rentals, suggesting anyone wanting to stay for a shorter length of time can stay at a hotel or bed and breakfast.

Dorothy Appleyard, 806 Wilson Street: Spoke about Zoning Ordinance amendments. Supports a rental registration ordinance and fees to cover the cost of registration and inspection to ensure safety to renters and the surrounding neighborhoods.

Elaine Herbert, 140 North Shore Drive: Thanked the commission for working on the rental ordinance. Spoke about not being aware of any meetings or anything being done. Thanked Chairman Paull, for many years of asking for a rental ordinance. Spoke about wanting a zoned community and a promise that those of us who live in neighborhoods will live in neighborhoods and those who have businesses will do that in 'business-hoods'.

Michelle Reineck, 98 Erie Street: Spoke about owning her house with her husband for twenty-five years. Spoke about great changes which she is grateful for such as the South Beach improvements and neighborhood changes that make life difficult such as the eruption of party houses.

Joan Hiddema, 212 Monroe: Spoke about living two blocks from the blue stairs and since her husband owned a dental business and they own two houses so they pay homestead, non-homestead and business taxes. Spoke about their affiliation with many local boards, museums and organizations and support of milages. Spoke about worrying about their house getting burned down and their health being jeopardized by the smoke from open fires.

Susan Ryan, 37 Cass Street: Spoke about the commission reviewing site plans for construction for a new family home on St. Joseph Street. Spoke about meeting the new family; number of children in the neighborhoods; support of the doctor's practice and the local hospital.

Barb Calhoun, 862 Monroe Boulevard. Spoke about RM-1 and asked when this became a place for twenty-five (25) people who are not related and keeping R-1 for single family and not allowing unrestricted hotels in neighborhoods.

7. a. Other Business – Site Plan Review for 800 St. Joseph Street.

Anderson responded to Chair Paull's question regarding the document that has been prepared outlining all restrictions of the moratorium, including an affidavit signed by the owner, notarized by the register of deeds and filed with the city.

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

All in favor. Motion carried.

Paull asked if there was anyone who wished to address this issue.

Matthew O'Sullivan, Builder: Spoke about several reasons for this home to be approved for construction.

Elaine Herbert, 140 North Shore Drive: Welcomed this family and their big house. Spoke about liking big houses; living in a big house; building her big house and focusing on site plan review by working within the zoning ordinance.

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

All in favor. Motion carried.

Gruber: Spoke of his hope that Matt O'Sullivan gets the opportunity to build more houses in the future, even a large enough house to provide more parking spaces. The proposed plan is providing a lot more than two (2) parking spaces; at least two in the garage and four (4) on the driveway.

Paull said procedurally since this house is exempted from normal procedure because of the moratorium; we are making a decision, not a recommendation.

Motion by Stimson, second by Frost to accept and approve the site plan review for new house at 800 St. Joseph.

All in favor. Motion carried.

6. New Business – Public Hearing on Proposed Zoning Ordinance Amendments

Paull introduced the background regarding these amendments and asked Anderson to review the summary.

Anderson stated these amendments were started four (4) years ago and this summary represents about half of the ordinance. She instructed that they did not have to do this as one complete document, nor did they have to go through each item with an individual motion. She explained there were a number of options.

ARTICLE II – Definitions Anderson noted that several definitions were added along with some Zoning Board of Appeals (ZBA) interpretations and that the city attorney, during the course of litigation, wrote up some definitions for us. Anderson reviewed some of the definitions, including Access, Building height and Open Air business.

Anderson explained that the new height definition pertains mostly to mansard, flat roofs and the elimination of half story reference. The accompanying illustration was changed, too. This was changed to change the way mansard and flat roofs are measured.

ARTICLE IV - Single Family Residential section lot width and depth were added for flag lots, which are narrow at the front and widen in the back. Previously, flag lots were defined in the Zoning Ordinance but there were no regulations for them.

ARTICLE VI - Central Business District use list was streamlined. This allows a little more flexibility as new uses arise. Anderson noted this change takes bulk out of the ordinance but provides the same care with what is allowed in each district.

ARTICLE VII - Neighborhood Business (B-1) New commercial building size limits reflect the zoning ordinances call for businesses in this zone to be on a neighborhood

scale. As with the CBD, the B-1 use list was shortened and like was lumped with like. Some of the businesses remain in a separate category include home businesses, ATMS, recreation centers, convenience stores not larger than 3,000 square feet and dwellings above permitted commercial uses.

ARTICLE VIII - General Business (B-2) Slightly larger businesses are permitted than in the neighborhood business zone, such as personal service businesses and retail businesses up to 5,000 square feet.

ARTICLE IX - Waterfront Business (B-3) Due to recent review and changes to this category, no other changes than use consolidation were made to this section.

ARTICLE X - Major Thoroughfare Businesses (B-4) Deleted adult entertainment businesses from this zone. "We have to provide a location for adult entertainment businesses, but by allowing them in B-4 we are opening the door to a business near Walmart, Meijers and other family businesses, and that is not a good place for adult entertainment businesses.

ARTICLE XI – General Industrial (I-2) Adult entertainment facilities have been added to the permitted use lists in this zone.

ARTICLE XII - Professional business (PB-1) Since this zone is home to some medical and dental offices, pharmacies and medical supply stores have been added to the zone use list.

ARTICLE XIV - Site Plan Review Submittal requirements have been reduced when electronic copies are available. The planning commission or zoning administrator will now be permitted to require traffic studies for new projects. Costs of such studies will be the responsibility of the applicant, not the city.

ARTICLE XVIII - Parking and Loading Spaces The Planning Commission may allow some parking area set aside as green space when the applicant can show that the required number of spaces is excessive. The Meijer site plan review brought this to light; they could provide us evidence that they did not need all required parking. Meijer did get a variance; it might have been better to put the extra space into green space, if needed later, it would be available, but in the meantime would provide more green space.

Retail and commercial parking requirement has been reduced from one space for every 150 square feet of usable floor space to one space for every 250 feet of usable floor area. The amount of parking recommended now is on line with other communities.

Parking space dimensions amended per the city engineer. There are new graphics to accompany the revised text.

There were several other parking requirement changes but the most notable is the ordinance requirement for a residential single family and two family homes have two parking spaces for each unit with three (3) or less bedrooms and single family residences with four (4) or more bedrooms add one (1) additional space for each additional bedroom.

Also included is a requirement for area of residential off-street parking for more than (4) vehicles to be located on a pervious surface other than gravel.

Anderson noted that the half story reference has been deleted from all residential zones. This has been a problem for a long time; the definition was such that it easily turned into a third story. Going without the third story and requiring a height limit of thirty-five feet (35') is much cleaner and easier and brings down the mass of such structures.

Anderson pointed out that this is about half of the ordinance; we have been focusing so heavily on the rental ordinance, we wanted to move this forward.

Stimson noted that some comments came in after this was posted to the website; one was that it might be better if adult entertainment be limited to the I-2 zone, which is more heavy duty opposed to light and because of the location of that zone in the city. Stimson would like to propose that be added.

Anderson responded that there is sense to that suggestion and pointed out that the light industrial (I-1) is at all of the interchanges and the three (3) major entrances to the city while the I-2 zone is located within the industrial parks.

Heinig questioned definition for flag lot to which Anderson responded that there was an illustration but no definition; flag lots should be defined.

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

All in favor. Motion carried.

Dorothy Appleyard, 806 Wilson Street. The building heights in residential zones are thirty-five feet (35') to the peak and thirty feet (30') for mansard or flat roof. Spoke about the Issue she has is builders being creative and coming forward with an almost flat little peak. Asked if something can be added to define pitch so that possibility could be eliminated.

Paull asked for clarification of the possibility being referred to and Appleyard explained.

Appleyard: Requested considering expanding setbacks for accessory uses from three feet (3') to six (6') whenever possible particularly in confined building lots where neighbors may also have three foot (3') setbacks for accessory structures already in place. Spoke about concerns that the additional parking spaces required for additional bedrooms in residential zones could result in a parking lot. Spoke about the need for language providing buffering for noise and lights. Requested that pools be considered in total lot coverage. Questioned recreation in residential zones but as time was up she will address that later.

Mary Lynn Bugge, Gabriel Drive: Spoke of being on the Planning Commission when some of these amendments were first discussed; that she sent Linda Anderson a list of suggestions. Bugge enumerated a number of those suggestions.

Connie Schaffer, North Shore Drive. Spoke about parking problems with renters, not calling the police, having questions about where renters are parking, beach parking

overflowing into neighborhoods and parking for nine hours, parking on both sides of North Shore Drive obstructing two-way traffic and the ability to get out of her driveway.

Paull said part of that problem has to do with a clear understanding of how we communicate this to police and dispatch.

Elaine Herbert. Spoke about having one of the last remaining corners in South Haven that is designated B-1 and wanting to know clearly what can and cannot be done as far as business in the neighborhood districts. She also asked about parking requirements for B-1, and noted that the Zoning Ordinance states that anything that comes in front of the city of South Haven that needs to be built from single family home to R-1 district, no matter what it is, has to go to Planning Commission for site plan review.

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

All in favor. Motion carried.

Paull noted it is time for the commission to discuss the amendments and restated that they can decided to do nothing, recommend a few amendments to city council for approval or recommend all of the amendments that have been discussed. Paull suggested that the recommendation regarding adult entertainment in the I-2 would be most appropriate.

Anderson said Bugge gave her some edits and additions, most are housekeeping, things that were bold that should not have been, so could be cleaned up before it goes to City Council. The issue of removing adult entertainment from I-1 should be part of any motion.

Stimson questioned building height and limiting single family houses to two (2) stories. Anderson responded that a third story reference in the R1-A, B and C districts has been removed from the ordinance. Frost explained that removing it from the ordinance does not mean we can leave it alone; we need to recommend that. Stimson asked if saying two stories does not cover that. Gruber asked if the amendments could be recommended to city council and continue more tweaks later.

Frost said we heard concern about not adding parking spaces and creating a parking lot. Gruber said we are looking at the current home. Anderson said counting toilets was a better way to determine how many parking spaces are needed. Frost said he thinks square footage would be a better measure because a house could be designed with eight (8) dens and four (4) bedrooms.

Paull said they are valid thoughts and could and should be dealt with individually.

Stimson said can we send some on and refine some of the questions later. Paull said that would be his feeling but not sure how we want to pull those out.

Gruber said there is a lot of work that has been done in these four (4) years, thinks especially with the height and some other things send it on to City Council, give some direction. The parking one is tough, but is something that would be okay to go forward.

Motion by Stimson to send the amendments on to City Council for approval in its existing status except for adult entertainment facilities being limited to the I-2 zone and any necessary clerical changes staff may need to make. Second by Miles.

Paull said we have some concerns on Frost's part which need to be corrected as soon as possible.

A roll call vote was taken:

Ayes: Gruber, Heinig, Miles, Stimson, Webb, Paull

Nays: Frost

Motion carried.

7b. Meeting Calendar for 2016.

Anderson noted that Planning Commission meetings are normally scheduled for the first Thursday of each month and pointed out two months where that could be problematic.

The first Thursday in April falls on April 7th, which is during Spring Break for South Haven Schools. Anderson suggested scheduling the meeting for the following Thursday, April 14.

The first Thursday in July falls on July 7, after the Independence Day holiday, which in 2016 falls on Monday. After discussion the commission agreed to schedule the July meeting on Thursday, July 14.

Motion by Gruber to adopt the proposed calendar for 2016 as presented with change in July to the 14th. Second by Stimson.

All in favor. Motion carried.

7. Commissioner Comments

There were none.

8. Adjourn

Motion by Heinig, second by Gruber to adjourn at 8:15 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary