

Planning Commission

Regular Meeting Agenda Thursday, January 9, 2014 7:00 p.m., Council Chambers



City of South Haven

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes** – December 5, 2013
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business – PUBLIC HEARINGS**
 - A. A zoning ordinance text amendment to add One Family Detached Dwellings to the list of uses permitted in the B-3, Waterfront Business Zone.
 - B. A request from the City of South Haven Planning Commission to amend the official zoning map to rezone the following properties from B-3, Waterfront Business Zone to the CBD, Central Business Zone:
 - 519 Williams Street (C299A)
 - 519 Williams Street (C299A1)
 - 521 Williams Street (C299B)
 - 423 Williams Street, Units #1-8
 - 515 Williams Street, Units #1-9; #30-38, and #61-62
 - 425 Williams Street, Units #20-29 and #39-60
 - C. A zoning ordinance text amendment to limit the height of buildings and structures in the previous amendment to 35 feet or 2.5 stories.
7. **Other Business**
 - A. **None**
8. **Old Business**
 - A. **None**

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, December 5, 2013 7:00 p.m., Council Chambers



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

2. Roll Call

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

Motion by Smith, second by Webb to excuse Miles and Wall.

All in favor. Motion carried.

3. Approval of Agenda

Paull noted that each year the Planning Commission is required to approve a meeting calendar for the upcoming year; approval of the agenda should include the addition of such approval in place of the current Item #7.

Motion by Smith, second by Frost to approve the December 5, 2013 regular Planning Commission agenda as amended.

All in favor. Motion carried.

4. Approval of Minutes – November 7, 2013

Motion by Frost, second by Heinig to approve the November 7, 2013 minutes as written.

All in favor. Motion carried.

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

Elaine Herbert, 140 No. Shore Drive. Expressed concerns regarding allowing single family residential homes in the B-3 waterfront business district and adding Old Harbor Village into the Central Business District.

Paull noted that the Planning Commission will be discussing B-3 at the January 9, 2014 meeting.

6. New Business – PUBLIC HEARINGS

A. Taste Restaurant – Special Use Permit, Outdoor Dining

Joel Gesiakowski, representing Taste Restaurant at 402 Phoenix Street requests a special use permit to allow outdoor seating at the restaurant, per zoning ordinance section 601-3. The property number for the subject parcel is 80-53-001-008-00 and the owner of record is JWILCO Properties, LLC of South Haven.

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

Joel Gesiakowski, owner of Taste, explained his request as outdoor service for food and/or alcohol, with seating for twelve (12) to twenty (20) people, wrought iron seating with umbrella tables with service provided by Taste's wait staff from inside the restaurant.

In response to a query by Frost regarding the liquor license, Gesiakowski explained that there will just be an extension of the existing license and there will not be an outdoor bar.

There were no public comments made.

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

Paull expressed his concern about outdoor sound and music. Gesiakowski stated that Taste does have two (2) outdoor speakers and they will be no louder, explaining "We are a restaurant first, a bar second; we will have the same hours, the same philosophy as the restaurant, the same dinner music."

Peterson noted that 11:00 p.m. is the closing time stipulated in the regulations and thinks outdoor dining is a great idea; it is all spelled out as far as how it will be done, what can and cannot be out there.

Smith questioned the railings and snow removal. Anderson said railings located on public property will have to come down during the winter to facilitate snow removal. Discussion ensued regarding who will install railings initially, the property owner or the city.

Heinig stated his concern about wait staff and patrons using the same doorway for ingress and egress as well as wait staff crossing the pedestrian pathway. Gesiakowski said he will be offering a limited menu out there and staff will not seat more than four (4) people at one table which limits the size of trays coming out.

Anderson read a letter from Keith Huffman of 323 Eagle Street expressing concerns about additional speakers and increased volume. Gesiakowski assured that they do not plan to add speakers or turn up the existing volume, which is dinner music for atmosphere.

Paull noted this special use permit is conditional on traffic issues, noise, etc. so advised that applicants keep that in mind as this permit can be revoked if there are problems.

Paull noted that the city's limit of ninety (90) decibels at the property line is quite loud. Smith felt noise issues could easily become a problem.

Motion by Smith, second by Heinig to approve the special use permit, as requested for 402 Phoenix Street, contingent upon approval of the proposed furniture by the Downtown Development Authority, recommending that City Council approve the license agreement for seating on public property.

All in favor. Motion carried.

B. Black River Tavern Restaurant – Special Use Permit, Outdoor Dining

Scott Maxwell, representing Black River Tavern at 401 Phoenix Street, requests a special use permit to allow outdoor seating at the restaurant, per zoning ordinance section 601-3. The property number for the subject parcel is 80-53-123-008-00 and the owner of record is BPO Elks #1509 of South Haven.

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

Joel Gesiakowski, representing Black River Tavern at Scott Maxwell's request. Gesiakowski noted that Black River Tavern is a bar as well as a restaurant, so it is a little different concept. In response to questions, Gesiakowski stated that as far as he knows Maxwell has no intention of piping live performances outdoors.

There was no public comment offered.

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

Smith asked whether live entertainment will be permitted on the street and whether they may add speakers. Anderson noted that those items are not included in the license agreement. An amendment to the license agreement would be required if a live performer were requested.

Paull noted that the special use requirements limit outdoor speaker systems. Upon questions, Anderson noted that the Planning Commission may make approval contingent on the establishment not installing additional speakers or increasing the current volume.

Peterson asked if there is a capacity rule to which Anderson responded that the fire marshal will set the capacity limit and that will have to be adhered to.

Motion by Heinig, second by Smith to approve the special use permit for Black River Tavern at 401 Phoenix Street contingent on having no additional speakers and no additional volume and on the Downtown Development Authority's approval of the proposed furniture. He also recommended that City Council approve the license agreement allowing outdoor seating on public property.

Frost clarified that the restriction of additional speakers does not disallow installation of new speakers in the case of the present speakers breaking, but again, to be no louder than the current level of music. Smith noted that live music can be piped outside but at the same volume level.

All in favor. Motion carried.

7. Meeting calendar for 2014.

Anderson noted that the January and July meetings were moved a week to avoid meetings conflicting with holidays. Anderson noted that sometimes there will need to be a change in the date of the meeting and that can be done as long as it is posted.

Discussion regarding the timing of spring break April 7 through 11; there will not be a conflict with meeting on the regularly scheduled first Thursday of the month.

(Generally, the Planning Commission meets on the first Thursday of the month.)

January	9*
February	6
March	6
April	3
May	1
June	5
July	10*
August	7
September	4
October	2
November	6
December	4

* Due to holiday conflicts, these meetings will not take place on the first Thursday of the month. (SHPS spring break is April 7-11 in 2014.)

Motion by Heinig, second by Frost to approve the calendar as presented for 2014.

All in favor. Motion carried.

8. Commissioner Comments

Webb: none

Heinig: none

Frost: none

Smith and Peterson: happy holidays

Paull: The Central Business District designation recommended for Old Harbor Village is rather restrictive and essentially recognizes what is already there. In the 1980s Old Harbor Village was given a dispensation for parking by buying into a now defunct parking program; they already do not provide parking for their guests. Incorporating Old Harbor Village into the Central Business District will probably encourage business development.

9. Adjourn

Motion by Smith, second by Frost to adjourn at 7:34 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,
Marsha Ransom
Recording Secretary



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

Background Information:

The planning commission has been considering changes to the B-3 zoning district after becoming aware that there existed scattered small lots in the zone unusable for any permitted use. During a review and drive through of the B-3 zone area, a subcommittee of planning commission members found a number of single family homes which exist in the zone and the fact that these homes are currently in nonconformance with the zoning district requirements. This awareness grew into the possibility of allowing single family homes on limited size lots in the B-3 regulations. The attached tables include the number of relatively small vacant lots as well as the number of existing single family homes. (It should be noted that not all these vacant lots are suitable for single family development.) The proposed ordinance states that only lots of a size or configuration not adequate to support current permitted uses should be made available for single family homes.

It is not the intent of this amendment to encourage redevelopment of existing waterfront businesses. Staff realize the importance of water related businesses to the vitality of the city. Any proposed conversion of a current permitted use to a single family home(s) will need a special use permit from the planning commission.

Recommendation:

Staff recommends that the planning commission carefully consider all comments and the information in the agenda packet. After the public hearing, the commission may vote to either: withdraw the proposed amendment; send it forward to the city council for adoption or table action for further study.

Attachments:

Proposed Zoning Ordinance Section 901 amendment
Memo to City Manager
Existing single family homes in B-3 zone
Vacant lots in the B-3 zone (not in a condo or PUD development)
Email Comments

Respectfully submitted,
Linda Anderson
Zoning Administrator

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO - ____

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

The City of South Haven Ordains:

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

ARTICLE IX
B-3 WATERFRONT BUSINESS DISTRICT

SECTION 901. USE REGULATIONS

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

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

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

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

Conversion of an existing permitted use to single family homes on individual lots is not permitted without a special use permit from the planning commission. In addition to the standards found in Section 1502 of this ordinance, the applicant shall demonstrate that the conversion is of substantial benefit to the city of South Haven and the waterfront business community.

SECTION 2

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

SECTION 3

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

SECTION 4

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

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

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

Robert G. Burr, Mayor

CERTIFICATION

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

Amanda Morgan, City Clerk



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

MEMORANDUM

To: Brian Dissette
From: Linda Anderson
Re: Proposed B-3 Amendments
Date: December 11, 2013

The planning commission is considering two (2) zoning ordinance amendments which will affect the B-3 Waterfront Business zoning district. The first amendment would take certain Williams Street properties out of the B-3 zoning district and rezone the properties to the CBD Central Business District. Any concerns with that proposed amendment will be dealt with in a separate memo.

The other proposed amendment would add single family homes on individual lots of less than one (1) acre to the list of permitted uses in the B-3 zone. Currently, attached and semi-detached single family homes are permitted in the zoning district as part of planned unit developments or condominium projects and detached single family homes are permitted above a permitted use. These types of dwelling units have been permitted in the zone since at least 1983. (Refer to the complete permitted use list in Attachment A.)

In drafting the proposed text, a subcommittee of the planning commission drove the B-3 area and noted not only existing single family homes on individual lots but also any vacant lots which appeared too small to allow a permitted use to develop. Fifteen (15) such vacant lots were verified through the city mapping department. These lots vary in size and shape and may not all be suitable for development. While the B-3 zone does not have a minimum lot size requirement, uses permitted generally require sizeable areas for development. For example, private clubs, motels and recreation centers require a minimum of one acre and an automatic teller machine may only be located inside a building. Even a small retail use requires a generous lot when factors such as parking, landscaping and screening are factored into the site design.

There are currently eighteen (18) single family homes in the B-3 zone that are not part of a PUD or condo development. These homes are now nonconforming with ordinance requirements. That means that the homes are not permitted under the current zoning ordinance and any renovation or addition to these dwellings would require zoning board of appeals approval. In granting such a variance, the board must find that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property.

Regarding the concerns staff has heard about the loss of businesses in the B-3 zone, the potential exists for any property owner to sell or redevelop their property and develop a new permitted use. A marina owner, for example, could sell his property to a developer who wants to construct a mixed use PUD. This is possible under the current ordinance and is not proposed to change. Property owners have the right to develop their land in any way which is not in violation of local, state and federal codes and laws.

The planning commission has tentatively planned a public hearing on this matter for January 9, 2013. A legal notice advertising the hearing will be published in the South Haven Tribune at least fifteen (15) days prior to that hearing and the agenda will be available on the city website. All interested citizens are encouraged to offer comment either at the meeting or by mail. More than one hearing may be necessary for the planning commission to make a recommendation to city council. City council requires two (2) readings of any proposed ordinance before adoption. Council also has the right to remand any proposed amendment back to the planning commission for further study if they so choose.

In summary, the proposed zoning ordinance does nothing to encourage the transition of existing businesses to residential uses. That option is currently available to property owners under the PUD regulations. It does afford a viable use for existing lots which may be too small for a current permitted use and provide conformity to existing single family homes on individual lots.

Please let me know if further information is required.

**ATTACHMENT A
USES PERMITTED IN THE B-3 WATERFRONT BUSINESS ZONE**

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
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
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:
 - 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.

PLATE	PARCEL_NO	OWNERNAME	PROPADDRESS
C604D	80-53-885-007-00	BRENNER FAMILY IRREVOCABLE TRUST	15 N BAILEY AVE
C316B	80-53-789-002-20	GYORI STEVEN M	80 N BAILEY AVE
C312A	80-53-787-007-00	BURR ROBERT G & PATRICIA A	162 DUNKLEY AVE
C160A	80-53-763-002-40	MILLS EVELYN M	164 N BAILEY AVE
C160B	80-53-763-002-60	LUCAS BESSIE M	126 BAILEY AVE
C312	80-53-787-006-00	BURR ROBERT G & PATRICIA A	180 DUNKLEY AVE
C57A2	80-53-716-006-50	SMITH GENE TRUSTEE	288 BLACK RIVER ST
C604E	80-53-885-008-02	JONES TED B & ELAINE	9 N BAILEY AVE
C316A	80-53-789-002-11	CHEW MILLE C	68 N BAILEY AVE
C604C	80-53-885-006-01	HUDSON ROY	1 N BAILEY AVE
C160	80-53-763-002-21	MILLS EVELYN M	164 N BAILEY AVE
C604A	80-53-885-002-00	BARD JAMES S	8 N BAILEY AVE
C55A	80-53-716-001-02	JOHNSON RYAN F	298 BLACK RIVER ST
C314	80-53-789-001-01	VAN WYNEN ROBERT SR	884 E WELLS ST
C319	80-53-789-005-00	GUZYS LEONAS	114 N BAILEY AVE
C319A	80-53-789-006-00	GOFORTH STEVEN J L & ILZE	108 BAILEY AVE
C604B	80-53-885-003-01	JONES TED B	12 N BAILEY AVE
C561C	80-53-870-012-11	HARMSWORTH SHARON	45 N BAILEY AVE

PROPCITY	STATE	PROPZIP	OWNSTRADD	OWNCITY	OWNST
SOUTH HAVEN	MI	49090	3737 BALBOA DR	OCEANSIDE	CA
SOUTH HAVEN	MI	49090	PO BOX 927	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	162 DUNKLEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	164 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	126 BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	162 DUNKLEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	521 CARLOS CIR	FORT MYERS BEAC	FL
SOUTH HAVEN	MI	49090	12 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	68 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	7186 ORCHARD LAKE DR	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	164 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	8 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	298 BLACK RIVER ST	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	884 WELLS ST	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	114 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	73116 12TH AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	12 N BAILEY AVE	SOUTH HAVEN	MI
SOUTH HAVEN	MI	49090	711 N KENILWORTH AVE	OAK PARK	IL

OWNZIP	PR_CLASS
92056-3921	401
49090	401
49090	401
49090	401
49090	401
49090	201
33931-2047	401
49090	201
49090-1589	401
49090	401
49090	401
49090	401
49090	401
49090	401
49090	401
49090	401
49090	201
60302	401

PLATE	PARCEL_NO	ACREAGE	OWNERNAME	OWNSTRADD
C299	80-53-775-001-03	0.03202	COLONIAL CONDOMINIUM ASSOC	532 DYCKMAN AVE
C561B	80-53-870-012-00	0.13560	KAL HAVEN BIKES INC	1073 WELLS ST
C100A1	80-53-745-101-00	0.26651	MARINER DOCKAGE	393 6TH ST
C602A3	80-53-880-002-11	0.24792	BLACK RIVER DOCK CO	750 EAST WELLS ST
C435B	80-53-823-002-10	0.35167	SOUTH HAVEN LANDQUEST LLC	7858 RAVINE RD
C605	80-53-885-009-00	0.53238	RIVER BEND BOAT CLUB	33 N BAILEY AVE
C55	80-53-716-002-00	0.57401	FILBRANDT PAULA R TRUSTEE	732 MAPLE ST
C309B1	80-53-780-010-50	0.62340	1ST CHOICE MARINA LLC	626 DUNKLEY AVE
C636A1	80-53-895-047-00	0.75121	PERO BARNEY L & JODI	750 E WELLS ST
C317	80-53-789-003-00	0.73343	CITY OF SOUTH HAVEN	539 PHOENIX ST
C602A5	80-53-880-005-00	0.79871	RIVER BEND BOAT CLUB	33 N BAILEY AVE
C308A1	80-53-780-006-60	0.82852	DUNKLEY ROAD LLC	144 DUNKLEY UNIT 14
C636A	80-53-895-046-01	0.92957	1ST CHOICE MARINA LLC	626 DUNKLEY AVE
C603	80-53-880-006-00	0.99166	RIVER BEND BOAT CLUB	33 N BAILEY AVE
A475	80-53-054-009-02	1.01669	SOUTH HAVEN YACHT CLUB	PO BOX 151

OWNCITY	OWNST	OWNZIP	PROPADDRESS	PROPCITY	STATE	PROPZIP	PR_CLASS
SOUTH HAVEN	MI	49090	528 DYCKMAN AVE	SOUTH HAVEN	MI	49090	401
SOUTH HAVEN	MI	49090-9612	1073 E WELLS ST	SOUTH HAVEN	MI	49090	202
PLAINWELL	MI	49080-9537	100 BLACK RIVER ST	SOUTH HAVEN	MI	49090	201
SOUTH HAVEN	MI	49090	750 E WELLS ST	SOUTH HAVEN	MI	49090	202
KALAMAZOO	MI	49009	38 NORTH SHORE DR	SOUTH HAVEN	MI	49090	201
SOUTH HAVEN	MI	49090-1590	23 N BAILEY AVE	SOUTH HAVEN	MI	49090	201
SOUTH HAVEN	MI	49090	292 BLACK RIVER ST	SOUTH HAVEN	MI	49090	201
SOUTH HAVEN	MI	49090-8643	654 DUNKLEY AVE	SOUTH HAVEN	MI	49090	202
SOUTH HAVEN	MI	49090	658 DUNKLEY AVE	SOUTH HAVEN	MI	49090	202
SOUTH HAVEN	MI	49090	102 N BAILEY AVE	SOUTH HAVEN	MI	49090	090
SOUTH HAVEN	MI	49090-1590	16 N BAILEY AVE	SOUTH HAVEN	MI	49090	201
SOUTH HAVEN	MI	49090	135 DUNKLEY AVE	SOUTH HAVEN	MI	49090	202
SOUTH HAVEN	MI	49090-8643	578 DUNKLEY AVE	SOUTH HAVEN	MI	49090	202
SOUTH HAVEN	MI	49090-1590	28 N BAILEY AVE	SOUTH HAVEN	MI	49090	202
SOUTH HAVEN	MI	49090	410 WILLIAMS ST	SOUTH HAVEN	MI	49090	201



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0760 • Fax (269) 637-5319

MEMORANDUM

To: Planning Commissioners
From: Linda Anderson
RE: Proposed B-3 Amendment comments
Date: December 17, 2013

The attached string of emails and memos is related to the proposed addition of single family homes in the B-3 zone. The emails are primarily generated by the city manager and a citizen, Elaine Herbert. I kept the emails together in order to make it easier to follow the conversation.

There is a lot of repetition but I didn't want to leave any comments out of the string.

Thanks.

Linda Anderson

From: Brian Dissette
Sent: Wednesday, December 11, 2013 9:08 AM
To: Suzie Fitzgibbon
Subject: RE: B-3 Waterfront

Suzie,

I have asked Linda Anderson to prepare a memo, which explains what is currently allowed in the B-3 zoning districts, and what is not permitted. Further, the memo will address the proposed changes, and the process being considered for the zoning amendment(s). I will forward the memo to you as soon as possible.

Thank you for the time and attention.

Brian Dissette

-----Original Message-----

From: Suzie Fitzgibbon
Sent: Wednesday, December 11, 2013 5:36 AM
To: Brian Dissette
Subject: B-3 Waterfront

Hi Brian,

I contacted Elaine and asked her to give us a detailed point by point example of how she feels the B-3 Waterfront zoning change will affect the North side. She said she will respond in the next couple of days.

Personally, I have a problem with the Fish Tales property and Geisler's Facility. We have lost 2 businesses on the North side and I would like to see Fish Tales be something commercial, such as even a sandwich shop on the waterfront. The owner's decision to sell his parking, is his mistake, not ours. He may be pounding your door down now crying foul, but we don't roll over and change it because he wanted to make more money and thought he could press us into something different. With Geisler's property, we need those marina services at the shoreline. It is zoned for business and should stay a business and not become residential. That is what I see as the issue with the change.

Thanks,
Suzie



City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499
Telephone (269) 637-0700 • Fax (269) 637-5319

MEMORANDUM

To: Brian Dissette
From: Linda Anderson
Re: Proposed B-3 Amendments
Date: December 11, 2013

The planning commission is considering two (2) zoning ordinance amendments which will affect the B-3 Waterfront Business zoning district. The first amendment would take certain Williams Street properties out of the B-3 zoning district and rezone the properties to the CBD Central Business District. Any concerns with that proposed amendment will be dealt with in a separate memo.

The other proposed amendment would add single family homes on individual lots of less than one (1) acre to the list of permitted uses in the B-3 zone. Currently, attached and semi-detached single family homes are permitted in the zoning district as part of planned unit developments or condominium projects and detached single family homes are permitted above a permitted use. These types of dwelling units have been permitted in the zone since at least 1983. (Refer to the complete permitted use list in Attachment A.)

In drafting the proposed text, a subcommittee of the planning commission drove the B-3 area and noted not only existing single family homes on individual lots but also any vacant lots which appeared too small to allow a permitted use to develop. Fifteen (15) such vacant lots were verified through the city mapping department. These lots vary in size and shape and may not all be suitable for development. While the B-3 zone does not have a minimum lot size requirement, uses permitted generally require sizeable areas for development. For example, private clubs, motels and recreation centers require a minimum of one acre and an automatic teller machine may only be located inside a building. Even a small retail use requires a generous lot when factors such as parking, landscaping and screening are factored into the site design.

There are currently eighteen (18) single family homes in the B-3 zone that are not part of a PUD or condo development. These homes are now nonconforming with ordinance requirements. That means that the homes are not permitted under the current zoning ordinance and any renovation or addition to these dwellings would require zoning board of appeals approval. In granting such a variance, the board must find that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property.

Regarding the concerns staff has heard about the loss of businesses in the B-3 zone, the potential exists for any property owner to sell or redevelop their property and develop a new permitted use. A marina owner, for example, could sell his property to a developer who wants to construct a mixed use PUD. This is possible under the current ordinance and is not proposed to change. Property owners have the right to develop their land in any way which is not in violation of local, state and federal codes and laws.

The planning commission has tentatively planned a public hearing on this matter for January 9, 2013. A legal notice advertising the hearing will be published in the South Haven Tribune at least fifteen (15) days prior to that hearing and the agenda will be available on the city website. All interested citizens are encouraged to offer comment either at the meeting or by mail. More than one hearing may be necessary for the planning commission to make a recommendation to city council. City council requires two (2) readings of any proposed ordinance before adoption. Council also has the right to remand any proposed amendment back to the planning commission for further study if they so choose.

In summary, the proposed zoning ordinance does nothing to encourage the transition of existing businesses to residential uses. That option is currently available to property owners under the PUD regulations. It does afford a viable use for existing lots which may be too small for a current permitted use and provide conformity to existing single family homes on individual lots.

Please let me know if further information is required.

**ATTACHMENT A
USES PERMITTED IN THE B-3 WATERFRONT BUSINESS ZONE**

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
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
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:
 - 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.

**WITHOUT LOTS UNDER 1 ACRE IN
SIZE — NOT IN A PUD or CONDO**

PLATE	PARCEL_NO	ACREAGE	OWNERNAME	OWNSTRADD
C299	80-53-775-001-03	0.03202	COLONIAL CONDOMINIUM ASSOC	532 DYCKMAN AVE
C561B	80-53-870-012-00	0.13560	KAL HAVEN BIKES INC	1073 WELLS ST
C100A1	80-53-745-101-00	0.26651	MARINER DOCKAGE	393 6TH ST
C602A3	80-53-880-002-11	0.24792	BLACK RIVER DOCK CO	750 EAST WELLS ST
C435B	80-53-823-002-10	0.35167	SOUTH HAVEN LANDQUEST LLC	7858 RAVINE RD
C605	80-53-885-009-00	0.53238	RIVER BEND BOAT CLUB	33 N BAILEY AVE
C55	80-53-716-002-00	0.57401	FILBRANDT PAULA R TRUSTEE	732 MAPLE ST
C309B1	80-53-780-010-50	0.62340	1ST CHOICE MARINA LLC	626 DUNKLEY AVE
C636A1	80-53-895-047-00	0.75121	PERO BARNEY L & JODI	750 E WELLS ST
C317	80-53-789-003-00	0.73343	CITY OF SOUTH HAVEN	539 PHOENIX ST
C602A5	80-53-880-005-00	0.79871	RIVER BEND BOAT CLUB	33 N BAILEY AVE
C308A1	80-53-780-006-60	0.82852	DUNKLEY ROAD LLC	144 DUNKLEY UNIT 14
C636A	80-53-895-046-01	0.92957	1ST CHOICE MARINA LLC	626 DUNKLEY AVE
C603	80-53-880-006-00	0.99166	RIVER BEND BOAT CLUB	33 N BAILEY AVE
A475	80-53-054-009-02	1.01669	SOUTH HAVEN YACHT CLUB	PO BOX 151

B-3 SINGLE

FAMILY HOMES NOT IN A
CONDO OR PUD

PLATE	PARCEL_NO	OWNERNAME	PROPADDRESS
C604D	80-53-885-007-00	BRENNER FAMILY IRREVOCABLE TRUST	15 N BAILEY AVE
C316B	80-53-789-002-20	GYORI STEVEN M	80 N BAILEY AVE
C312A	80-53-787-007-00	BURR ROBERT G & PATRICIA A	162 DUNKLEY AVE
C160A	80-53-763-002-40	MILLS EVELYN M	164 N BAILEY AVE
C160B	80-53-763-002-60	LUCAS BESSIE M	126 BAILEY AVE
C312	80-53-787-006-00	BURR ROBERT G & PATRICIA A	180 DUNKLEY AVE
C57A2	80-53-716-006-50	SMITH GENE TRUSTEE	288 BLACK RIVER ST
C604E	80-53-885-008-02	JONES TED B & ELAINE	9 N BAILEY AVE
C316A	80-53-789-002-11	CHEW MILLE C	68 N BAILEY AVE
C604C	80-53-885-006-01	HUDSON ROY	1 N BAILEY AVE
C160	80-53-763-002-21	MILLS EVELYN M	164 N BAILEY AVE
C604A	80-53-885-002-00	BARD JAMES S	8 N BAILEY AVE
C55A	80-53-716-001-02	JOHNSON RYAN F	298 BLACK RIVER ST
C314	80-53-789-001-01	VAN WYNEN ROBERT SR	884 E WELLS ST
C319	80-53-789-005-00	GUZYS LEONAS	114 N BAILEY AVE
C319A	80-53-789-006-00	GOFORTH STEVEN J L & ILZE	108 BAILEY AVE
C604B	80-53-885-003-01	JONES TED B	12 N BAILEY AVE
C561C	80-53-870-012-11	HARMSWORTH SHARON	45 N BAILEY AVE

Linda Anderson

From: Brian Dissette
Sent: Monday, December 16, 2013 11:59 AM
To: Robert Burr; Andy Klavins; Suzie Fitzgibbon; Gail Patterson; Clark Gruber; Jeff Arnold; Vickiy Kozlikwall
Cc: Linda Anderson; Paul Vandenbosch
Subject: FW: B3 Waterfront business Zone
Attachments: December 11 2013; City Council Memo RE B3 Zoning.pdf

Members of City Council,

The following email is correspondence with Elaine Herbert related to the Planning Commission's efforts to consider some changes to the B-3 zoning district. At your convenience, please review the following email and the attached file. I anticipate some of you may receive emails and/or phone calls related to this topic. Please note; the Planning Commission will start their discussions on this issue at their January 9, 2014. No action has occurred at this time.

Thanks for the time and attention.

Brian Dissette

-----Original Message-----

From: Brian Dissette
Sent: Monday, December 16, 2013 11:55 AM
To: 'elaine'
Cc: Linda Anderson; Paul VandenBosch
Subject: RE: B3 Waterfront business Zone

Elaine,

I have shared your email with Linda Anderson. Linda has indicated that the Planning Commission has had conversations related to making changes to the B-3 zoning district for some time. She indicated that the idea of adding the area of Old Harbor Village to the central business district (CBD) was always the focus of the discussions. When a subcommittee was finally formed to look at rezoning the Old Harbor commercial area to the CBD, the subcommittee decided to take a more holistic look at the entire B-3 zone and determine what, if any, additional changes should be explored.

During a review and drive through of the B-3 zone area, the subcommittee members were surprised by the number of single family homes which exist in the zone and the fact that these homes are currently in nonconformance with the zoning district requirements. This awareness grew into the possibility of allowing single family homes on limited size lots in the B-3 regulations. The attached memo (please see the attached PDF) includes the number of relatively small vacant lots as well as the number of existing single family homes. The Planning Commission feels that only lots of a size not adequate for current permitted uses should be made available for single family homes.

This amendment is not a "done deal". The Planning Commission will hold a public hearing on January 9, 2014 in an effort to receive public comments on the amendment. Additional hearings may be held; the Planning Commission may make modifications to the proposal or abandon the idea entirely. If the Planning Commission opts to move ahead with any variation of this amendment, they will not forward it on to the City Council until they are sure their action is reasonable and defensible.

It is not the intention of the Planning Commission, or staff, to encourage redevelopment of existing waterfront businesses. It is intended that property owners be allowed to use smaller lots which they already own and for current single family residents to have homes which are compliant with zoning codes.

As always, the Planning Commission accepts and encourages all comment during their meetings.

Thank you for your time and attention.

Brian Dissette

-----Original Message-----

From: elaine [mailto:elaine@yeltonmanor.com]
Sent: Monday, December 16, 2013 10:24 AM
To: Brian Dissette
Subject: B3 Waterfront business Zone

Brian,

Susie F. has requested that I write to you to express my concern over the impending intention to change B3 Waterfront Business Zone to include the opportunity to build single family residences within the zone. I am copying her and Linda anderson, Planning Administrator, in this note.

In 20 years of service on the Planning Commission, I assure you that the absolute sanctity of B3 zoning for the precise and specific use for waterfront/riverfront business was always thoughtfully protected and enthusiastically defended. The ZBA has also voiced the same passion for the importance of protecting the remaining few riverfront properties and services for business on the water. This serves boaters, restaurants and general tourism.

I am surprised that staff has so casually suggested this change, even opining that it seems odd that this hasn't been an option all along.

I could find no review of past PC or ZBA discussions of the B3 Waterfront Zone included in instructional material for the current Planning Commission's deliberations. Now there is a Public Hearing on 1-9 and, I presume, intent to recommend this change.

This change is (according to PC minutes) a device to permit use of the old 3 Pelican's property at the end of NSD. The owners of this property have been denied permits to build condos there without the required PUD that requires first floor business.

Recently the owners sold off 3 P's old parking area across the street and homes are currently being built there.

As the owners have now intentionally, and at great profit, created the inability to build anything that conforms to the zoning on the riverfront lot, a change in the zoning is now requested.

This is classic "tail wagging the dog".

Perhaps these owners would like to present the city with an opportunity to purchase their self-stranded riverfront lot and we can add a picnic area to the beautiful end of the NSD peninsula?

This zoning change would be a disaster for our riverfront. Dunkley marinas and All Season's Marine will surely jump at the chance to cash in on the opportunity to sell to or develop single family residences on their riverfront properties. One need only look up and down the Black River shores to imagine what will be built on distressed riverfront in future decades. Has anyone researched how Patterson Marina came to be all condos in the 90s?

Who will repair and provide storage for the boats? Will there ever be much desired (public access) riverfront dining? The riverfront become a wall of private mansions.

These are my concerns and the concerns of the public visioning work creating the last two Master Plans.

Thank you in advance for your consideration.

Happy Holidays! Sincerely, Elaine

Elaine and Rob, Innkeepers
Yelton Manor Bed and Breakfast
"Take a Tour" at <http://yeltonmanor.com>

"The Manor is an 'Inn'-spiration!
Its a food-fun-beach-books-gardens-luxury-lover's paradise!"
John D.Maxwell, The Getaway Guru's Midwest Travels

Linda Anderson

From: Brian Dissette
Sent: Monday, December 16, 2013 5:05 PM
To: elaine
Cc: Linda Anderson; Paul Vandebosch
Subject: RE: B3 Waterfront business Zone

Elaine,

You have a variety of questions and concerns, I encourage you to attend the upcoming Planning Commission meeting to express those to the board. Further, should you wish to meet with staff, please let me know. Linda Anderson is likely the best person to address your questions. I can arrange time for you to meet with her (and me, if needed.) Please let me know if that is desired.

With regards to the Master Plan, the file is available on the city's website. Below is a link to the file:

http://south-haven.com/PDFs/official_documents/master_plan.pdf

Brian Dissette

-----Original Message-----

From: elaine [mailto:elaine@yeltonmanor.com]
Sent: Monday, December 16, 2013 4:21 PM
To: Brian Dissette
Cc: Linda Anderson; Paul Vandebosch
Subject: Re: B3 Waterfront business Zone

Brian,

Thank you for your quick response to my concerns.

If it's just a few properties, as you demonstrate, then there is even less reason to alter the zoning ordinance.

As you know, Zoning Board of Appeals is the venue for citizens to argue why they might have a zoning anomaly and to request a variance.

The ZBA decides under a very strict burden of proof, their prime directive is strict adherence to zoning intent and zoning as written.

ZBA rules demand that any decision made there must specifically disregard the financial concerns of the plaintiff property owner.

If not satisfied at ZBA, a property owner has the option of civil court as a remedy.

This process is in our City Charter.

Respectfully, this is zoning.

Zoning is a design for almost always, long past today's characters with today's properties in today's economy. Past profit-making.

Zoning is sacred, not to be casually altered, a trust. It defines the character of the community to citizens who plan their lives here.

There are many distressed businesses and stranded properties in this economy. Mine included.

A few distressed property owners should not be bailed out with spot rezoning, or overhaul of an entire zoning ordinance with gaping, dangerous loopholes, to meet their anecdotal circumstances.

In SoHa, both the spirit and the letter of zoning is already disastrously upended in what most communities expect to be the most protected of all zones, our R1 Residential Neighborhood zones. The short-term seasonal rental businesses that dominate our neighborhoods have sadly diminished SoHa for our lifetimes and perhaps longer.

Isn't this a cautionary tale? If you wish to take "a holistic approach", I sincerely wish that your leadership and legacy were committed to this egregious zoning problem instead.

Tampering with waterfront zoning in our newly designated "Harbor District", in our lakefront/riverfront/harbor/resort/tourist community, is, at the very least, risky as hell.

I trust SoHa's Master Plan will be honored in this matter, I regret that I cannot locate my copy. Perhaps it's on the City's website?

I am aware that Planning Commission will be making a recommendation to City Council for ultimate decision in this matter. It's a good time and the right place to rethink it.

I also have objections to simply merging Old Harbor Village into the Central Business District. For what purpose? I do not believe there is any value to citizens or visitors in SoHa, but certainly there is to Old Harbor Village, which profits hugely if immediately permitted to sell off their parking lots.

Where will the hotel guests park? Will we then have to change the overnight parking ordinance to accommodate their patrons?

If folded into the CVB, Old Harbor Inn will then also enjoy many other benefits including free garbage pickup and free WiFi, etc.

This puts competing lodging facilities at a disadvantage.

And who knows what the future of that important riverfront parcel might be? Again, this is zoning, it goes to forever. What's the intent?

I appreciate your thoughts on this.

Sincerely, Elaine

> Elaine,

>

> I have shared your email with Linda Anderson. Linda has indicated that the Planning Commission has had conversations related to making changes to the B-3 zoning district for some time. She indicated that the idea of adding the area of Old Harbor Village to the central business district (CBD) was always the focus of the discussions. When a subcommittee was finally formed to look at rezoning the Old Harbor commercial area to the CBD, the subcommittee decided to take a more holistic look at the entire B-3 zone and determine what, if any, additional changes should be explored.

>

> During a review and drive through of the B-3 zone area, the subcommittee members were surprised by the number of single family homes which exist in the zone and the fact that these homes are currently in nonconformance with the zoning district requirements. This awareness grew into the possibility of allowing single family homes on limited size lots in the B-3 regulations. The attached memo (please see the attached PDF) includes the number of relatively small vacant lots as well as the number of existing single family homes. The Planning Commission feels that only lots of a size not adequate for current permitted uses should be made available for single family homes.

>

> This amendment is not a "done deal". The Planning Commission will hold a public hearing on January 9, 2013 in an effort to receive public comments on the amendment. Additional hearings may be held; the Planning Commission may make modifications to the proposal or abandon the idea entirely. If the Planning Commission opts to move ahead with

any variation of this amendment, they will not forward it on to the City Council until they are sure their action is reasonable and defensible.

>
> It is not the intention of the Planning Commission, or staff, to encourage redevelopment of existing waterfront businesses. It is intended that property owners be allowed to use smaller lots which they already own and for current single family residents to have homes which are compliant with zoning codes.

>
> As always, the Planning Commission accepts and encourages all comment during their meetings.

>
> Thank you for your time and attention.

>
> Brian Dissette

>
> -----Original Message-----

> From: elaine [mailto:elaine@yeltonmanor.com]

> Sent: Monday, December 16, 2013 10:24 AM

> To: Brian Dissette

> Subject: B3 Waterfront business Zone

>
> Brian,

>
> Susie F. has requested that I write to you to express my concern over the impending intention to change B3 Waterfront Business Zone to include the opportunity to build single family residences within the zone. I am copying her and Linda Anderson, Planning Administrator, in this note.

>
> In 20 years of service on the Planning Commission, I assure you that the absolute sanctity of B3 zoning for the precise and specific use for waterfront/riverfront business was always thoughtfully protected and enthusiastically defended. The ZBA has also voiced the same passion for the importance of protecting the remaining few riverfront properties and services for business on the water. This serves boaters, restaurants and general tourism.

>
> I am surprised that staff has so casually suggested this change, even opining that it seems odd that this hasn't been an option all along.

> I could find no review of past PC or ZBA discussions of the B3 Waterfront Zone included in instructional material for the current Planning Commission's deliberations. Now there is a Public Hearing on 1-9 and, I presume, intent to recommend this change.

>
> This change is (according to PC minutes) a device to permit use of the old 3 Pelican's property at the end of NSD. The owners of this property have been denied permits to build condos there without the required PUD that requires first floor business.

> Recently the owners sold off 3 P's old parking area across the street and homes are currently being built there.

> As the owners have now intentionally, and at great profit, created the inability to build anything that conforms to the zoning on the riverfront lot, a change in the zoning is now requested.

> This is classic "tail wagging the dog".

> Perhaps these owners would like to present the city with an opportunity to purchase their self-stranded riverfront lot and we can add a picnic area to the beautiful end of the NSD peninsula?

>
> This zoning change would be a disaster for our riverfront. Dunkley marinas and All Season's Marine will surely jump at the chance to cash in on the opportunity to sell to or develop single family residences on their riverfront properties. One need only look up and down the Black River shores to imagine what will be built on distressed riverfront in future decades. Has anyone researched how Patterson Marina came to be all condos in the 90s?

> Who will repair and provide storage for the boats? Will there ever be much desired (public access) riverfront dining?

> The riverfront become a wall of private mansions.

- >
- > **These are my concerns and the concerns of the public visioning work creating the last two Master Plans.**
- >
- > **Thank you in advance for your consideration.**
- >
- > **Happy Holidays! Sincerely, Elaine**
- >
- >
- > --
- > **Elaine and Rob, Innkeepers**
- > **Yelton Manor Bed and Breakfast**
- > **"Take a Tour" at <http://yeltonmanor.com>**
- >
- > **"The Manor is an 'Inn'-spiration!**
- > **Its a food-fun-beach-books-gardens-luxury-lover's paradise!"**
- > **John D.Maxwell, The Getaway Guru's Midwest Travels**
- >

--
Elaine and Rob, Innkeepers
Yelton Manor Bed and Breakfast
"Take a Tour" at <http://yeltonmanor.com>

"The Manor is an 'Inn'-spiration!
Its a food-fun-beach-books-gardens-luxury-lover's paradise!"
John D.Maxwell, The Getaway Guru's Midwest Travels

Linda Anderson

From: elaine <elaine@yeltonmanor.com>
Sent: Monday, December 16, 2013 5:21 PM
To: Brian Dissette
Cc: Linda Anderson; Paul Vandebosch
Subject: Re: B3 Waterfront business Zone

Thanks for the link. I am, as most everyone is, either out of town or very busy with family through the holidays. I will, of course, plan to be at the PC meeting on 1-9-2013. I would appreciate any further insight via email in the meantime.

I welcome the discussion, thanks again. All the best, Elaine

> Elaine,

>

> You have a variety of questions and concerns, I encourage you to attend the upcoming Planning Commission meeting to express those to the board. Further, should you wish to meet with staff, please let me know. Linda Anderson is likely the best person to address your questions. I can arrange time for you to meet with her (and me, if needed.) Please let me know if that is desired.

>

> With regards to the Master Plan, the file is available on the city's website. Below is a link to the file:

>

> http://south-haven.com/PDFs/official_documents/master_plan.pdf

>

> Brian Dissette

>

> -----Original Message-----

> From: elaine [mailto:elaine@yeltonmanor.com]

> Sent: Monday, December 16, 2013 4:21 PM

> To: Brian Dissette

> Cc: Linda Anderson; Paul Vandebosch

> Subject: Re: B3 Waterfront business Zone

>

> Brian,

>

> Thank you for your quick response to my concerns.

>

> If it's just a few properties, as you demonstrate, then there is even less reason to alter the zoning ordinance.

> As you know, Zoning Board of Appeals is the venue for citizens to argue why they might have a zoning anomaly and to request a variance.

> The ZBA decides under a very strict burden of proof, their prime directive is strict adherence to zoning intent and zoning as written.

> ZBA rules demand that any decision made there must specifically disregard the financial concerns of the plaintiff property owner.

> If not satisfied at ZBA, a property owner has the option of civil court as a remedy.

> This process is in our City Charter.

>

> Respectfully, this is zoning.

> Zoning is a design for almost always, long past today's characters with today's properties in today's economy. Past profit-making.

- > Zoning is sacred, not to be casually altered, a trust. It defines the character of the community to citizens who plan their lives here.
- >
- > There are many distressed businesses and stranded properties in this economy. Mine included.
- > A few distressed property owners should not be bailed out with spot rezoning, or overhaul of an entire zoning ordinance with gaping, dangerous loopholes, to meet their anecdotal circumstances.
- >
- > In SoHa, both the spirit and the letter of zoning is already disastrously upended in what most communities expect to be the most protected of all zones, our R1 Residential Neighborhood zones. The short-term seasonal rental businesses that dominate our neighborhoods have sadly diminished SoHa for our lifetimes and perhaps longer.
- > Isn't this a cautionary tale? If you wish to take "a holistic approach", I sincerely wish that your leadership and legacy were committed to this egregious zoning problem instead.
- >
- > Tampering with waterfront zoning in our newly designated "Harbor District", in our lakefront/riverfront/harbor/resort/tourist community, is, at the very least, risky as hell.
- >
- > I trust SoHa's Master Plan will be honored in this matter, I regret that I cannot locate my copy.
- > Perhaps it's on the City's website?
- >
- > I am aware that Planning Commission will be making a recommendation to City Council for ultimate decision in this matter. It's a good time and the right place to rethink it.
- >
- > I also have objections to simply merging Old Harbor Village into the Central Business District. For what purpose?
- > I do not believe there is any value to citizens or visitors in SoHa, but certainly there is to Old Harbor Village, which profits hugely if immediately permitted to sell off their parking lots.
- > Where will the hotel guests park? Will we then have to change the overnight parking ordinance to accommodate their patrons?
- > If folded into the CVB, Old Harbor Inn will then also enjoy many other benefits including free garbage pickup and free WiFi, etc.
- > This puts competing lodging facilities at a disadvantage.
- > And who knows what the future of that important riverfront parcel might be? Again, this is zoning, it goes to forever.
- > What's the intent?
- >
- > I appreciate your thoughts on this.
- >
- > Sincerely, Elaine
- >> Elaine,
- >>
- >> I have shared your email with Linda Anderson. Linda has indicated that the Planning Commission has had conversations related to making changes to the B-3 zoning district for some time. She indicated that the idea of adding the area of Old Harbor Village to the central business district (CBD) was always the focus of the discussions. When a subcommittee was finally formed to look at rezoning the Old Harbor commercial area to the CBD, the subcommittee decided to take a more holistic look at the entire B-3 zone and determine what, if any, additional changes should be explored.
- >>
- >> During a review and drive through of the B-3 zone area, the subcommittee members were surprised by the number of single family homes which exist in the zone and the fact that these homes are currently in nonconformance with the zoning district requirements. This awareness grew into the possibility of allowing single family homes on limited size lots in the B-3 regulations. The attached memo (please see the attached PDF) includes the number of relatively small vacant lots as well as the number of existing single family homes. The Planning Commission feels that only lots of a size not adequate for current permitted uses should be made available for single family homes.
- >>

>> This amendment is not a "done deal". The Planning Commission will hold a public hearing on January 9, 2013 in an effort to receive public comments on the amendment. Additional hearings may be held; the Planning Commission may make modifications to the proposal or abandon the idea entirely. If the Planning Commission opts to move ahead with any variation of this amendment, they will not forward it on to the City Council until they are sure their action is reasonable and defensible.

>>

>> It is not the intention of the Planning Commission, or staff, to encourage redevelopment of existing waterfront businesses. It is intended that property owners be allowed to use smaller lots which they already own and for current single family residents to have homes which are compliant with zoning codes.

>>

>> As always, the Planning Commission accepts and encourages all comment during their meetings.

>>

>> Thank you for your time and attention.

>>

>> Brian Dissette

>>

>> -----Original Message-----

>> From: elaine [mailto:elaine@yeltonmanor.com]

>> Sent: Monday, December 16, 2013 10:24 AM

>> To: Brian Dissette

>> Subject: B3 Waterfront business Zone

>>

>> Brian,

>>

>> Susie F. has requested that I write to you to express my concern over the impending intention to change B3 Waterfront Business Zone to include the opportunity to build single family residences within the zone. I am copying her and Linda Anderson, Planning Administrator, in this note.

>>

>> In 20 years of service on the Planning Commission, I assure you that the absolute sanctity of B3 zoning for the precise and specific use for waterfront/riverfront business was always thoughtfully protected and enthusiastically defended. The ZBA has also voiced the same passion for the importance of protecting the remaining few riverfront properties and services for business on the water. This serves boaters, restaurants and general tourism.

>>

>> I am surprised that staff has so casually suggested this change, even opining that it seems odd that this hasn't been an option all along.

>> I could find no review of past PC or ZBA discussions of the B3 Waterfront Zone included in instructional material for the current Planning Commission's deliberations. Now there is a Public Hearing on 1-9 and, I presume, intent to recommend this change.

>>

>> This change is (according to PC minutes) a device to permit use of the old 3 Pelican's property at the end of NSD. The owners of this property have been denied permits to build condos there without the required PUD that requires first floor business.

>> Recently the owners sold off 3 P's old parking area across the street and homes are currently being built there.

>> As the owners have now intentionally, and at great profit, created the inability to build anything that conforms to the zoning on the riverfront lot, a change in the zoning is now requested.

>> This is classic "tail wagging the dog".

>> Perhaps these owners would like to present the city with an opportunity to purchase their self-stranded riverfront lot and we can add a picnic area to the beautiful end of the NSD peninsula?

>>

>> This zoning change would be a disaster for our riverfront. Dunkley marinas and All Season's Marine will surely jump at the chance to cash in on the opportunity to sell to or develop single family residences on their riverfront properties. One

need only look up and down the Black River shores to imagine what will be built on distressed riverfront in future decades. Has anyone researched how Patterson Marina came to be all condos in the 90s?

>> Who will repair and provide storage for the boats? Will there ever be much desired (public access) riverfront dining?

>> The riverfront become a wall of private mansions.

>>

>> These are my concerns and the concerns of the public visioning work creating the last two Master Plans.

>>

>> Thank you in advance for your consideration.

>>

>> Happy Holidays! Sincerely, Elaine

>>

>>

>> --

>> Elaine and Rob, Innkeepers

>> Yelton Manor Bed and Breakfast

>> "Take a Tour" at <http://yeltonmanor.com>

>>

>> "The Manor is an 'Inn'-spiration!

>> Its a food-fun-beach-books-gardens-luxury-lover's paradise!"

>> John D.Maxwell, The Getaway Guru's Midwest Travels

>>

>

> --

> Elaine and Rob, Innkeepers

> Yelton Manor Bed and Breakfast

> "Take a Tour" at <http://yeltonmanor.com>

>

> "The Manor is an 'Inn'-spiration!

> Its a food-fun-beach-books-gardens-luxury-lover's paradise!"

> John D.Maxwell, The Getaway Guru's Midwest Travels

>

>

--

Elaine and Rob, Innkeepers

Yelton Manor Bed and Breakfast

"Take a Tour" at <http://yeltonmanor.com>

"The Manor is an 'Inn'-spiration!

Its a food-fun-beach-books-gardens-luxury-lover's paradise!"

John D.Maxwell, The Getaway Guru's Midwest Travels



Agenda Item #6B Proposed Rezoning of Properties in the B-3 zoning District to the CBD District

Background Information:

This is the second proposed amendment to the B-3 zoning district. The Planning Commission is considering rezoning commercial properties (including those with a residence above) in the area of Old Harbor Village (OHV) (Ref. attached map). The Planning Commission and staff find that the commercial/retail nature of OHV is very similar in character to that of the Central Business District (CBD). One similarity is the use of city lots and streets for the parking required. Businesses in OHV do not have onsite parking available. Staff was unable to find documentation that OHV owns off-street parking areas in the city.

When Old Harbor Village was established in 1986, the Zoning Board of Appeals (ZBA) granted a parking variance to the development "because the development of the land does not allow for room for any parking and also to develop land to its economic potential". In 1998, when the conversion to hotel units was approved, city staff determined that "parking is in compliance for the development". There also appears that an arrangement was put in place for OHV tenants and customers to use the Quaker Street public parking lot (intersection of Williams and Quaker.). The Idler Restaurant was also granted a parking variance during that time.

If any business in the OHV area decided to expand, a variance would be required for any additional parking needed. This could hinder redevelopment and expansion in the area.

.Recommendation:

Staff recommends that the Planning Commission carefully consider all comments and the information in the agenda packet. After the public hearing, the commission may vote to either: withdraw the proposed amendment; send it forward to the City Council for adoption or table action for further study.

Attachments:

Proposed Zoning map amendment
Zoning map amendment area
Email Comments

Respectfully submitted,
Linda Anderson
Zoning Administrator

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL MAP OF THE SOUTH HAVEN ZONING ORDINANCE TO REZONE THE FOLLOWING PROPERTIES FROM THE B-3, WATERFRONT BUSINESS ZONE TO THE CBD, CENTRAL BUSINESS DISTRICT ZONE AS SHOWN IN EXHIBIT A:

The City of South Haven Ordains:

The following properties are rezoned from the B-3 to CBD Zoning District:

519 Williams Street (C299A)
519 Williams Street (C299A1)
521 Williams Street (C299B)
423 Williams Street, Units #1-8
515 Williams Street, Units #1-9; #30-38, and #61-62
425 Williams Street, Units #20-29 and #39-60

SECTION 2

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

SECTION 3

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

SECTION 4

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

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

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

Robert G. Burr, Mayor

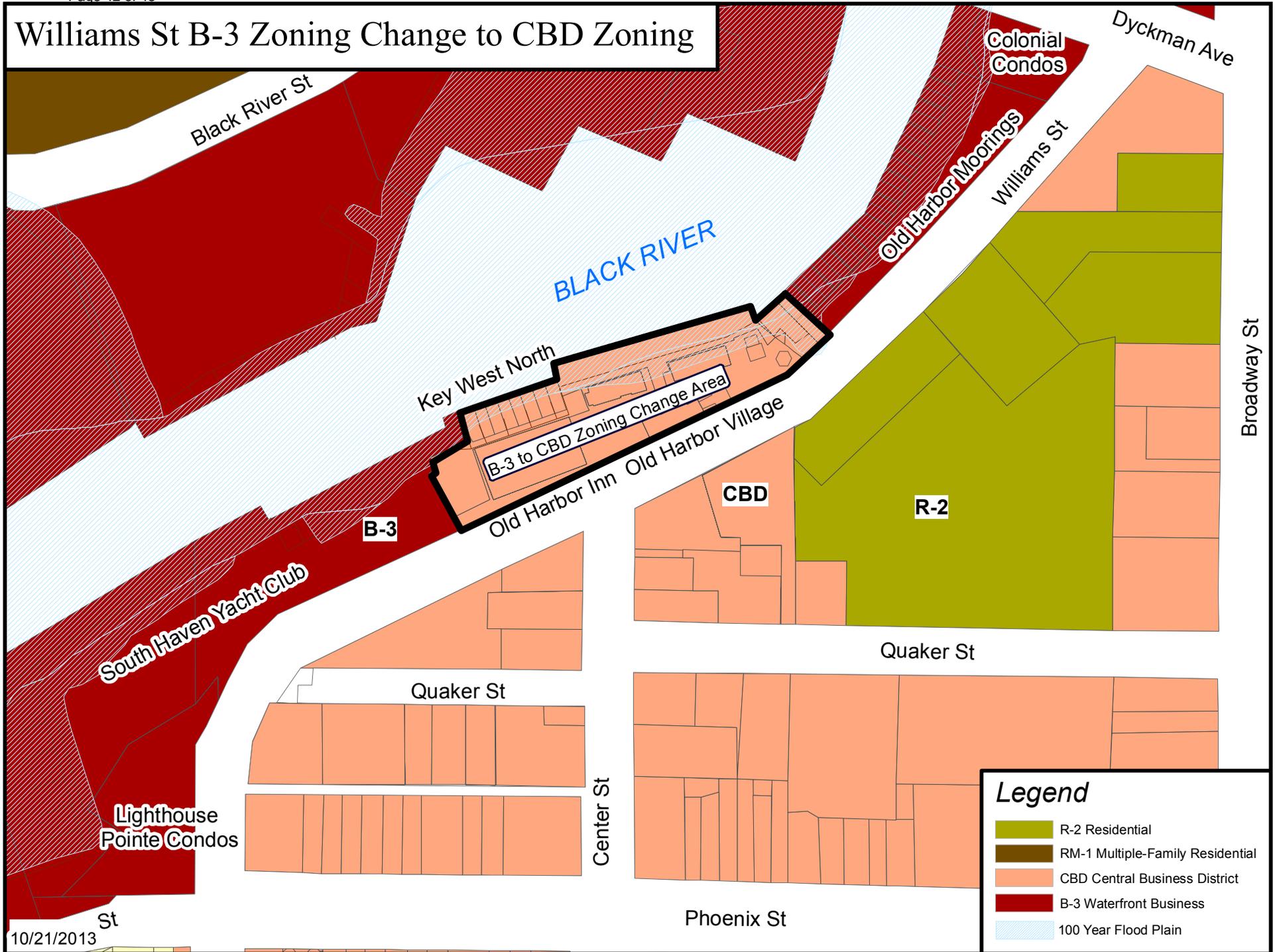
CERTIFICATION

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

Amanda Morgan, City Clerk

Effective: _____, 2014

Williams St B-3 Zoning Change to CBD Zoning



Legend

- R-2 Residential
- RM-1 Multiple-Family Residential
- CBD Central Business District
- B-3 Waterfront Business
- 100 Year Flood Plain

10/21/2013

Thanks for this information.

I believe OHV owns several parking areas downtown, or at least they used to. They may have paid into the deferred parking plan (as did I for 3 or 4 spots that my zoning required for employees), but if I recall correctly it was not to pay for all of the required parking, just the shortfall. If they are currently providing no parking at all....please confirm with me.

How/what is OHV proposing to expand? I still think that ZBA is the proper tool for examining and arbitrating zoning variance. Fairness is a directive at ZBA.

I have watched that Board succeed impressively for many decades. The Nichols dock or any other small and reasonable parking request anticipated in that area can take their case there.

OHV has changed considerably in its nearly 30 years. It might be helpful to know how much (or how little) of it still is in compliance with their originally approved PUD site plan.

OHV was controversial from its inception, not just because it was a treasured open view, but because of political cronyism/preferential treatment and a justifiable lack of trust for the developers. It never even had a sidewalk in front of it until the last few years, one example, but there are many more.

It is now so dated in concept, and in a sorry enough state of disrepair, that tearing it down and building a new project there is a real possibility in the future. Very serious.

I have not yet researched ordinance specifics but I suspect that folding OHV into the CBD will ease the zoning requirements of that waterfront property radically, and probably beyond what the intent and restrictions of B3 Waterfront Zoning has been and should remain. I feel strongly that OHV should always be subject to B3 Waterfront Business zoning. And I think it's unfair to offer them CBD amenities like free garbage pickup, free WiFi, free parking, for example, when other lodging facilities do not share the opportunity. Fairness is a moving target in this conversation, but it's nice to know that fairness is part of the PC's intention.

I'm all for fairness. It's hard to pin down what the true intention of all this B3 broo-ha-ha really is, parking issues, private homes already existing in the zone (so?), the specific 3 P/Fish Tale debacle, OHV's aspirations, a sense of fairness, etc. But I don't think changing the zoning is the answer, it's very risky. And for the community...it doesn't pass the smell test when it comes to OHV or those knuckleheads who own the 3P property.

By the way, the Master Plan speaks to this quite a bit. Including a directive for the City to seek out any remaining waterfront property for purchase for the people.

I think it would be wonderful to expand Avery Park to that 3P parcel. I would be happy to tend a community rose garden surrounding a riverfront picnic area there. The parcel is in the DDA too, perfect, they have the buying power to do it. Private residences there should not be considered, ever, period. And speaking of the end of the NSD peninsula,(otherwise off topic), The Master Plan has a very interesting vision for Monroe Park that deserves PC's consideration.

I am very keen (and so is The Master Plan and decades of Planning Commissioners) on unwavering commitment to the protection of the Waterfront Business Zone as it is. I think it's an excellent zoning, critical to our future as a real harbor town, not just a Harbortown for the purposes of a marketing profile. The PUD ordinance offers many options and waivers to developers for multiple uses, including residential as a secondary use; many creative projects have and will be built within its framework. Waterfront Business Zone needs to be protected first and foremost for the

business aspect. Not for residences. Other waterfront properties that cannot conform or resolve still can be considered for purchase for the community. But not lost forever to a private home, no.

Let me know what you think. Thanks for the conversation, I love SoHa!
All the best, Elaine

> It's really a matter of parking and providing businesses an opportunity to expand, even in a small way. The OHV, as I'm sure you remember, was not required to provide parking because the developer bought into the deferred parking program. That program has since been scrapped. Patrons of the stores at OHV now park in city parking lots and along the streets. The planning commission has, for some time, considered rezoning the OHV into the CBD to effectively continue the parking exemption but allow businesses to expand. This discussion grew out of an early 2013 request to develop the Nichols dock into outdoor dining. That request was denied for a number of reasons, lack of parking being just one. The application did cause the PC members to consider how they would be able to approve any expansion applications in that area. They concluded that any change requiring even a minimal number of additional parking spaces would need to be denied.

>

> I believe the PC views this as a fairness issue in allowing the businesses some small expansions which in turn benefits the city.

>

> Thanks for all your comments about the single family issue. I am compiling them in order and including them in the PC agenda packet. I plan to get the agenda out on Friday or Monday at the latest. Any comments received after that date will be forwarded to the PC when received. Any written comments received the day of the meeting will be distributed at the meeting. I think it's important for the members to be able to spend some time reviewing written comments as opposed to trying to consider them at the meeting.

>

> You have brought up some very good points and I am sure the PC will take the comments very seriously. I expect that no decisions will be made on the 9th. I anticipate numerous comments prior to and at the meeting. I really don't want anything rushed.

>

> g 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](http://www.landerson@south-haven.com)

>

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

>

>

>

> -----Original Message-----

> From: elaine [<mailto:elaine@yeltonmanor.com>]

> Sent: Tuesday, December 17, 2013 11:51 AM

> To: Linda Anderson

> Subject: Old Harbor Village/CBD

>

> Linda,

>

> Thanks for joining the conversation about Waterfront Business Zone. As you can see, I have concerns about it.

>

> Can you please explain the reason why Old Harbor Village is considered for joining into the CBD?

> How does this benefit the CBD or SoHa in general?

>

> Thanks, Elaine

>

> --

> Elaine and Rob, Innkeepers

> Yelton Manor Bed and Breakfast

> "Take a Tour" at<http://yeltonmanor.com>

>

> "The Manor is an 'Inn'-spiration!

> Its a food-fun-beach-books-gardens-luxury-lover's paradise!"

> John D.Maxwell, The Getaway Guru's Midwest Travels

>

--

Elaine and Rob, Innkeepers

Yelton Manor Bed and Breakfast

"Take a Tour" at<http://yeltonmanor.com>

"The Manor is an 'Inn'-spiration!

Its a food-fun-beach-books-gardens-luxury-lover's paradise!"

John D.Maxwell, The Getaway Guru's Midwest Travels



Agenda Item #6C
Proposed Height Restriction on Businesses
Rezoned from B-3 to CBD

Background Information:

This is the third proposed amendment to the B-3, Waterfront Business zoning district and has application only if the planning commission recommends rezoning certain Williams Street properties to the central business district (CBD) zoning district as proposed in agenda item 6B.

This proposed amendment would keep the height limit the same as the B-3 zoning district which is 35 feet or 2.5 stories, whichever is less. The CBD allows building heights of 45 feet or 3.5 stories.

.Recommendation:

Staff recommends taking action on this proposed amendment only if and when a decision to move forward has been rendered on the rezoning proposal.

Attachments:

Proposed amendment to zoning ordinance section 604

Respectfully submitted,
Linda Anderson
Zoning Administrator

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 604 OF THE SOUTH HAVEN ZONING ORDINANCE TO RESTRICT THE HEIGHT OF STRUCTURES IN A PORTION OF THE CENTRAL BUSINESS DISTRICT (CBD)

The City of South Haven Ordains:

SECTION 1 - Amendment. Section 604 of the South Haven Zoning Ordinance is amended to read as follows:

**ARTICLE VI
CBD CENTRAL BUSINESS DISTRICT**

SECTION 604. HEIGHT REGULATIONS

No building shall exceed forty-five (45) feet and three and one half (3-1/2) stories in height **with the following exception: Any building or structure to be located between Williams Street and the Black River in the CBD zone shall not exceed 35 feet in height or 2.5 stories, whichever is less.**

SECTION 2

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

SECTION 3

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

SECTION 4

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

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

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

Robert G. Burr, Mayor

CERTIFICATION

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

Amanda Morgan, City Clerk

Effective: _____, 2014