

Planning Commission

Regular Meeting Agenda Thursday, October 3, 2013 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 – September 5, 2013
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business
 - A. PUBLIC HEARING – Special Use Permit Request
1068 Monroe Blvd.

Vlietstra Brothers Pools, Inc., representing John and Rita Sexton of 1068 Monroe Blvd, South Haven, MI, requests a special use permit to construct an inground swimming pool at the above address on Monroe Boulevard. Swimming pools on waterfront properties require a special use permit according to zoning ordinance section 1725-2d.
 - B. Discussion of B-3 Zoning District Regulations
7. Old Business
 - A. Request Concerning Overlay Zone
8. Commissioner Comments
9. Adjourn

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator

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Planning Commission

Regular Meeting Minutes Thursday, September 5, 2013 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, Smith, Wall, Webb, Peterson, Paull

Absent: Heinig, Miles

Motion by Smith, second by Frost to excuse members Heinig and Miles.

All in favor. Motion carried.

Paull asked new member Peterson to introduce himself.

3. Approval of Agenda

Motion by Wall, second by Smith to approve the Thursday, September 5, 2013 Planning Commission agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – June 6, 2013

June 20, 2013 (special meeting)

August 1, 2013 (lack of quorum)

August 8, 2013 (special meeting)

Motion by Wall, second by Smith to approve the June 6, 2013 regular meeting minutes; June 20, 2013 special meeting minutes; August 1, 2013 regular meeting minutes and August 8, 2013 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

None at this time.

6. New Business

A. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT

A public hearing to receive comments regarding the adoption of a Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven. The proposed ordinance establishes an overlay zoning district intended to enhance the quality and compatibility of commercial development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop.

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

All in favor. Motion carried.

Paull requested that Anderson explain the amendment.

Smith requested a point of order, noting that he has two pieces of property in the area we will be discussing. Smith's question was whether he should recuse himself from any discussion or motions on this situation.

Anderson explained that, no, the way a corridor overlay zoning district is set up there is no immediate property value change to your property. Anderson stated that she would find it hard to excuse Smith from this discussion.

Anderson gave an overview, for the benefit of new people who have not been here for this whole process, about what overlay zoning is, and how it affects what we have in the city now. Anderson explained what zoning is and what types of zones the city consists of. Within each zone, the Zoning Ordinance needs to explain very clearly what uses are allowed, what special uses are available, what the setbacks distances are. Each zoning district is different depending on a number of factors.

Anderson noted that an overlay zone adds another layer of zoning on top of the existing zoning. An overlay zone generally affects an area of properties which all have something in common. When looking at an overlay zone, the underlying zoning remains the same. There are still the same uses and special uses. An overlay zone provides some standardization of regulations within a specific area.

Anderson displayed a map and explained that when the Master Plan was adopted in 2011, one of the goals for the Planning Commission was to develop an overlay zone which would apply standardization from the interchange near the new Meijers store and Phoenix Square over to the downtown through the main business corridor. Zoning was the same for both areas which are very different. The Planning Commission is also interested in making a more pleasant entrance to the city, both from the entrance from the Meijers/Phoenix Square interchange and southern entrances.

Anderson noted that in looking at the total area, it quickly became apparent that there are three distinct areas in the portion of the city being considered for the overlay. Using

the map, Anderson pointed out Areas A, B and C, noting that there is a small additional area of Area C on Blue Star Highway across from the Walgreens.

Anderson explained that in looking at the target area, five different zoning districts are included. Progressive Engineering was contracted to look at the areas, take pictures of areas they considered to be problematic, and coming up with graphics and ideas which were used by a sub-committee of the Planning Commission during several months of work.

One of the things that is important about this amendment, Anderson pointed out, is that if this amendment were approved and went into effect tomorrow, nothing would change. Changes only occur to any of the included areas when there is a major renovation or a tear-down. Anderson also noted that in the amendment there is a chart that indicates at what point these requirements are triggered. If a business takes down a sign, the new sign would have to comply. If the business made an addition to their building, that addition would have to comply. If a business tore up a parking lot, the new parking lot and landscaping would have to comply with the overlay zone. Anderson clearly explained that a change of use does not trigger compliance with the overlay zone, nor does a change of ownership. The overlay zoning is only triggered when a major renovation or change to the building occurs, at which time changes must come into compliance. Anderson noted that not every change requires full compliance; there are many different levels of compliance.

Anderson noted that the majority of the changes are modifications; some don't require much at all while others require a bit more. One of the changes is that monument signs have been added to the area near the Meijers interchange. A monument sign is a larger ground sign, according to Anderson, and the overlay zone allows for a somewhat larger monument sign if it matches the exterior of the building. Pole signs in that area, particularly around Wal-Mart, must be lowered to twenty-five (25) feet from the present thirty-five (35) feet, Anderson noted, just as an example.

In the southern areas where residences often abut the business uses, pole signs will not be allowed; more landscaping is required near back lot lines and other small changes that will protect the residential areas.

Anderson also explained the changes that would be implemented regarding parking if this amendment is approved.

Paull called for questions or comments from the Commissioners and the audience. There were none.

Motion by Wall, second by Scott to close the public hearing.

All in favor. Motion carried.

Paull requested any comments from Commissioners; hearing none, Paull explained that if the Commission feels this amendment is complete, it could recommend this be forwarded to City Council for approval. If the Commission feels it is incomplete or needs more work, it could be delayed until any questionable areas are addressed.

Wall stated she feels it is ready to go to Council; Smith concurred. Paull stated he would entertain a motion.

Motion by Wall, second by Smith to recommend this amendment to City Council for approval.

All in favor. Motion carried.

Paull remarked that the next step will be for this amendment to go before City Council and asked what the procedure would be.

Anderson explained that City Council is required to have two readings. During the first reading, the introduction, any comments or changes may be introduced by City Council. At the second reading, they could approve it or the Council could send it back to the Planning Commission if they feel there are things that need to be changed or studied further.

B. REVIEW AND COMMENT – BLACK RIVER PARK IMPROVEMENTS

The planning commission is asked to review and offer comments regarding proposed improvements to the Black River Park.

Paul VandenBosch introduced himself as a representative of the Harbor Commission, and noted that this proposed project started because of the need for a new fish cleaning station was identified. From there, the Harbor Commission wanted to be sure they were putting the station in the right place and continued discussion resulted in the development of a master plan, a long term plan, for Black River Park.

VandenBosch noted that the presentation was in a very early stage and the information being shared was very preliminary. VandenBosch stated that the Harbor Commission is looking for the Planning Commission to review the proposal and make comments at this time.

VandenBosch explained the area under discussion, noting that currently dredge spoil is being placed there and it is somewhat unsightly; the city contracted dredging through the summer and is waiting for the material to dry out. Eventually the dredge spoil site will be flattened; berms will be installed between the waste water treatment plant and the driveway entrance and the site will be capped with gravel as part of our Department of Environmental Quality (DEQ) permit requirement.

VandenBosch explained the process this proposed plan will go through before a final approval from City Council. Once they get final approval city staff will begin to write grants and hope to get some grants to help with this project.

VandenBosch introduced representatives from Abonmarche, Tony McGhee and Kathy Burczak, to talk about the details of the proposed plan.

Ms. Burczak explained the process so far, including presentations for Harbor and Parks Commissions and subsequent revisions. Issues such as traffic flow throughout the boat

launch facility and the need for a better fish cleaning station motivated this study. The presentation included discussion of the current amenities and the addition of handicapped accessible restrooms and picnic shelters; better pedestrian and vehicular access throughout the site and the location of a new fish cleaning station with its own drop-off and parking areas.

An example of a fish cleaning station with good ventilation and easy to clean surfaces was presented along with discussion of several options that can be considered when designing the fish cleaning.

Discussion ensued regarding beautification of the site, green space, future expansion of the wastewater treatment plant and addition of as much greenery and parking areas as possible.

Smith questioned whether any studies had been done to determine if there is a need for overflow parking; VandenBosch explained that the area in question has been used for overflow parking by guests and visitors without the city even indicating that it was meant for parking. VandenBosch referred the Commissioners to the packet, which has an overview of where this is located in relation to the downtown. More than overflow parking for this facility, there is potential for visitors to use this parking facility for visiting the downtown, an art fair or a festival.

Peterson asked whether the riverfront area would remain a soft surface; VandenBosch noted that while the area has been cleaned up it is still not very pedestrian friendly, so that was considered in designing this proposal. Benches, picnic tables and perhaps a picnic shelter may be introduced to that area at some point.

Paull asked for comments from the commissioners. Anderson noted that gravel parking lots are not allowed, however this seems to be a Phase One, so perhaps it will be paved eventually. VandenBosch noted that this area is also used as a place to dump snow from other areas in the winter season so drainage is important as the snow melts. Suggested looking at permeable surfaces, porous paving, "grassphalt" or permeable paving. The dredge spoil area may need a few years to settle before it gets paved. Discussion ensued regarding variances and permitting. Ms. Burczak pointed out the potential for around one hundred parking spaces in that area.

7. Commissioner Comments

Anderson noted there will be a Planning Commission meeting next month with one item on the agenda.

Frost noted school is back in session and we have some great sports teams. He congratulated the middle school boys' cross country team for their win against Lakeview.

8. Adjourn

Motion by Smith, second by Wall to adjourn at 7:42 p.m.

September 5, 2013
Planning Commission
Regular Meeting Minutes
DRAFT

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,
Marsha Ransom
Recording Secretary



Agenda Item #6a Waterfront Pool Special Use Permit

City of South Haven

Background Information: Vlietstra Brothers Pools and Spas, on behalf of John and Rita Sexton, is requesting a special use permit to install an inground pool at 1068 Monroe Blvd. Details of the proposed pool and location are included in this packet. The zoning ordinance states that the front yard of a waterfront lot shall be open and unobscured with some exceptions which may be approved by the planning commission through site plan review. The ordinance reads as follows:

SECTION 1724. WATERFRONT LOT REGULATIONS

1. A waterfront lot shall maintain the yard on the water side of the primary structure as an open un-obscured yard from the water's edge to the nearest wall of the primary structure. This yard may have a covered and/or uncovered boat well, stairway, walkway, or other recreational structure, after review and approval of a site plan by the Planning Commission. Fences in this yard shall not exceed four (4) feet in height, measured from the surface of the ground adjacent to the fence. Accessory buildings and structures shall be permitted in this yard when located no further than fifteen (15) feet from the nearest wall of the primary structure.

Staff submitted the site plan to the MDEQ. The response received stated that “pools are not regulated as “permanent structures” in High Risk Erosion Areas (provided they do not have “roof or walls”. The proposed pool does not show a roof or walls.

Recommendation: While staff has no reluctance in the approval of the special use request, the planning commission needs to review the case summary, visit the site and determine if this application for a special use permit meets the intent of the city and, if it does, include any conditions they feel necessary.

Support Material:

Application
Site plan
Similar projects
Case study

Respectfully submitted,
Linda Anderson
Zoning Administrator

BUILDING / ZONING PERMIT APPLICATION

CITY OF SOUTH HAVEN

BUILDING DEPARTMENT

539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090

FOR INFORMATION CALL 269-277-8573

**DO NOT PAY FEE WITH SUBMITTAL OF THIS PERMIT APPLICATION
PAY FULL AMOUNT OF FEE DUE WHEN ISSUED PERMIT IS PICKED UP**

Project Address: 1068 Monroe Blvd, So. Haven MI 49090

Applicant: Vlietstra Bros., Inc. Property Owner: John-Rita Sexton

Appl. Address: 4266 RAUNE Road Owner Address: 1068 Monroe Blvd
Kalamazoo, MI 49006 So. Haven, MI 49090

Applicant Phone: 269-349-7779 Owner Phone: 269-767-7537

Current Use of Property: Residential Zoning District of Property R-1B

Project Description: Inground Swimming Pool

Contractor: Vlietstra Bros. Inc Pools/Spa License No.: 2102118045 Exp. Date: 5/31/2014

Liability Carrier: Hastings Mutual Fed Id or S.S.: 38-2104057

Total Value of Construction (All Materials & Labor for this Permit Only): 72,000.-

Yes ___ No X Property is subject to an association. (If yes, attach a letter of approval from said association)

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

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

APPLICANT'S SIGNATURE: Ronald J. Vlietstra DATE: 8-26-2013
CONTRACTOR - OWNER

All contractors must be registered with the City of South Haven before a building permit may be issued.

For new single family dwellings, a completed New Single Family Home Submittal Requirements application form must be attached.

For any work involving a change to the footprint of a structure, a drawing must be included with the following:

1. SHOW PROPERTY LINES AND DIMENSIONS OF LOT
2. SHOW ALL STRUCTURES ON PROPERTY
3. SHOW DISTANCES FROM STRUCTURES TO PROPERTY LINES
4. SHOW DISTANCES BETWEEN BUILDINGS
5. SHOW STREETS AND EASEMENTS
6. SHOW ANY UTILITIES NEAR CONSTRUCTION AREA

The submittal of accurate drawings results in faster permit application processing. A survey or professional drawing of the property may be required if the proposed work is at or within 3 ft. of a property line, or it is determined to be needed by the Zoning Administrator or Building Official.

IMPORTANT: THIS BUILDING PERMIT APPLICATION IS NOT A PERMIT. A PERMIT MUST BE ISSUED AND PICKED UP FROM CITY HALL BEFORE ANY WORK IS BEGUN.

SPECIAL USE PERMIT APPLICATION
CITY OF SOUTH HAVEN
BUILDING SERVICES DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

400.00 ch
PAID
AUG 28 2013
CITY OF SOUTH HAVEN

Date: 8-27-2013 Applicant: Vlietstra Bros. Inc. Pools & Spas

Applicant Address: 4266 Ravine Road Kalamazoo, MI 49006

Applicant Phone Numbers: 269-349-7779 269-207-7395

Applicant e-mail: ron@vlietstra-bros.com

Subject Property Address: 1068 Monroe Blvd
(A legal description and survey of the subject property is required to be submitted with this application.)

Zoning District: R1-B

Type of Special Use Requested: Inground Swimming Pool
(A scaled site plan for the subject property is required to be submitted with this application.)

Special Use Section Number: 1725, 2-d

Attach a list of the conditions for approval which apply to your request and comment on how your request will meet those standards:

Applicant shall respond to the general standards in Sec. 1502 below and comment on how the requested Special Use Permit will meet the standards:

General Standards - The Planning Commission shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall approve a special use permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The special land use shall not change the essential character of the surrounding area.
- c. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
- d. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
- e. The special land use is consistent with the intent of the Comprehensive Plan.
- f. The special land use shall meet the site plan review requirements of Article IV.
- g. The special land use shall conform with all applicable state and federal requirements for that use.
- h. The special land use shall conform with all standards in this Ordinance and other applicable City Ordinances, including but not limited to parking (see Article XVIII), signs (see Article XX), and standards particular to the special land use found in the District provisions, Schedule of Regulations, or elsewhere.

Applicant Signature [Signature]

Date: 8-27-2013

A FEE OF \$400.00 MUST BE SUBMITTED WITH COMPLETED APPLICATION.

RECEIVED
AUG 29 2013
CITY OF SOUTH HAVEN

Van Buren County Community Information Center

Parcel 80-53-210-033-00



Close This Window

Van Buren County Property Information

If you have Questions or find Incorrect Information Send an Email.

Jurisdiction: South Haven City

Plate Number: A850F

Owner Name: BENGTON ANNA J TRUSTEE

Parcel Address: 1068 MONROE BLVD
SOUTH HAVEN, MI 49090

Mailing Address: 1068 MONROE BLVD
SOUTH HAVEN, MI 49090

Property Information

School District: 80010

Current Property Class: 401

Current Assessment: \$810,100

Previous Assessment: \$810,100

Taxable Value: \$620,441

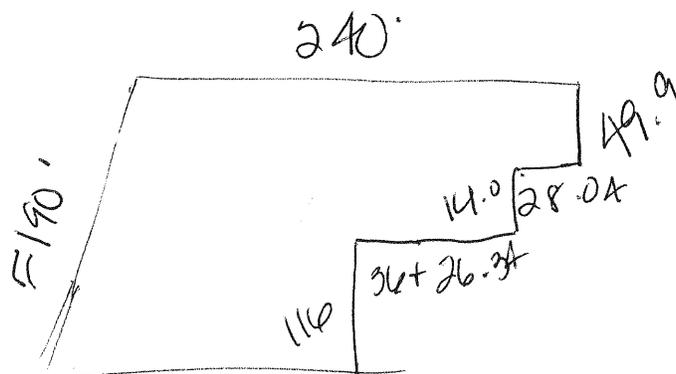
Homestead %: 100%

Calculated Acreage: 0.9

Legal Description

A850F 9-1-17 601-761+762 875-399 1411-68,69 * COM AT SE COR OF SEC, TH N ON E SEC L 367.0 FT, TH W 338.0 FT TO BEG, TH S 49.90 FT, TH N 87 DEG 33'00"W 28.04 FT, TH S 42 DEG 02'30"E 14.0 FT, TH N 87 DEG 33'00"W 26.34 FT, TH W 36.0 FT, TH S 116.0 FT, TH W TO LAKE MICHIGAN, TH NLY ALG SAID LAKE TO A POINT W OF BEG, TH E TO BEG *** COMBINATION OF 80-53-210-029-00 AND 80-53-210-032-00 ON 24 JULY 2007 FOR 2008.

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SPECIAL USE PERMIT ATTACHMENT
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

Date: 8-26-2013 Applicant: Vlietstra Bros., Inc. Pools & Spas

Project Address: 1068 Monroe Blvd South Haven, MI 49090 Tax Code: 80-53-

Zoning District: R1-B

Type of Special Use Requested: Swimming Pool - Inground

Special Use Section Number: 1725, 2-d

Please list the conditions for approval which apply to your request and comment on how your request will meet those standards:

We intend to build an inground swimming pool. We propose to lower the pool at least 21" lower than the existing patio on the SW side of the house. This will keep all rain and pool spill water running away from the bank and will be directed to the lowest spot on the property on the south east corner.

Please list the general standards in Sec. 1502 below and comment on how your request will meet the standards:

Applicant Signature



Date:

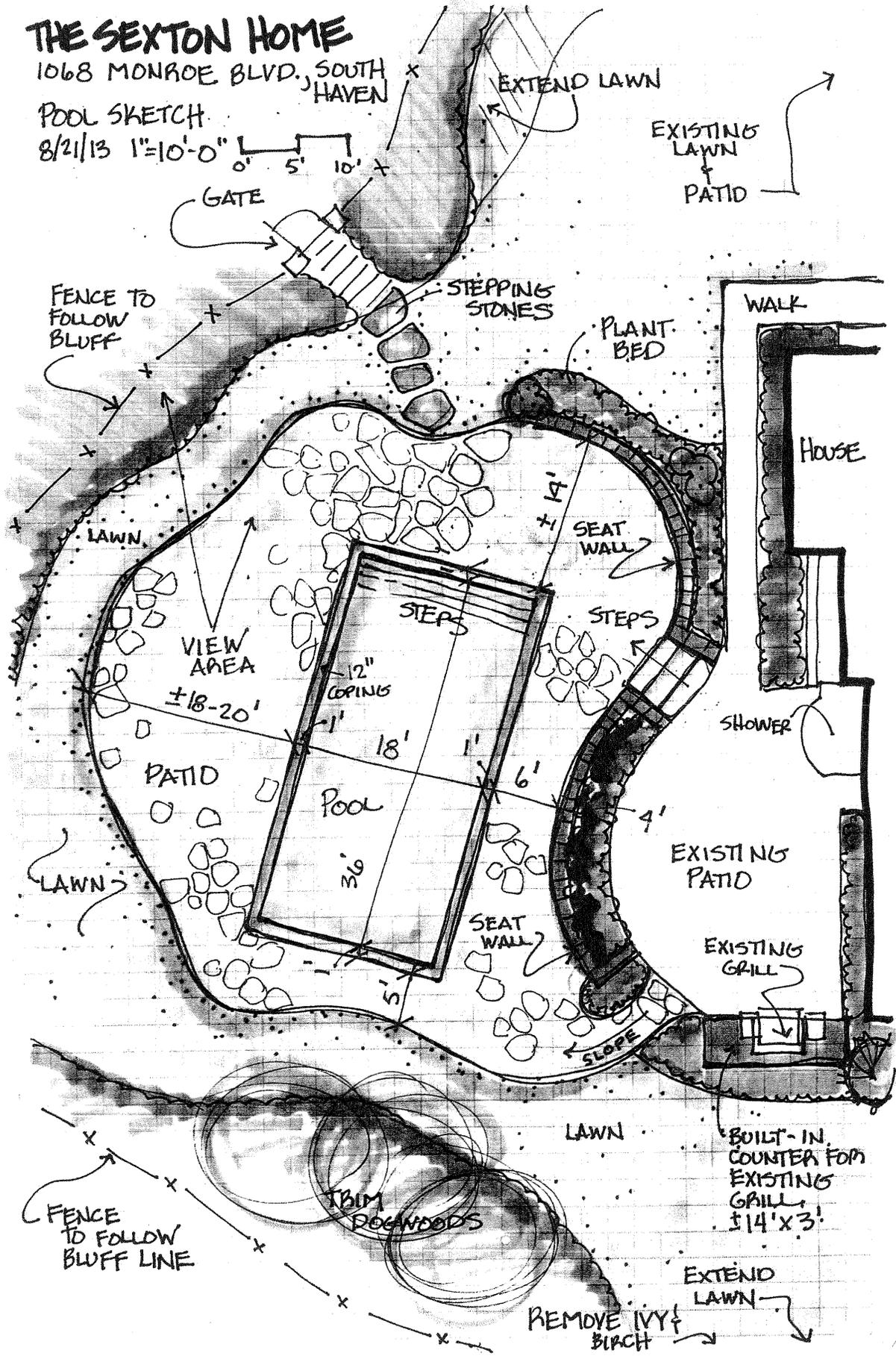
8-26-2013

THE SEXTON HOME

1068 MONROE BLVD., SOUTH HAVEN

POOL SKETCH

8/21/13 1"=10'-0"

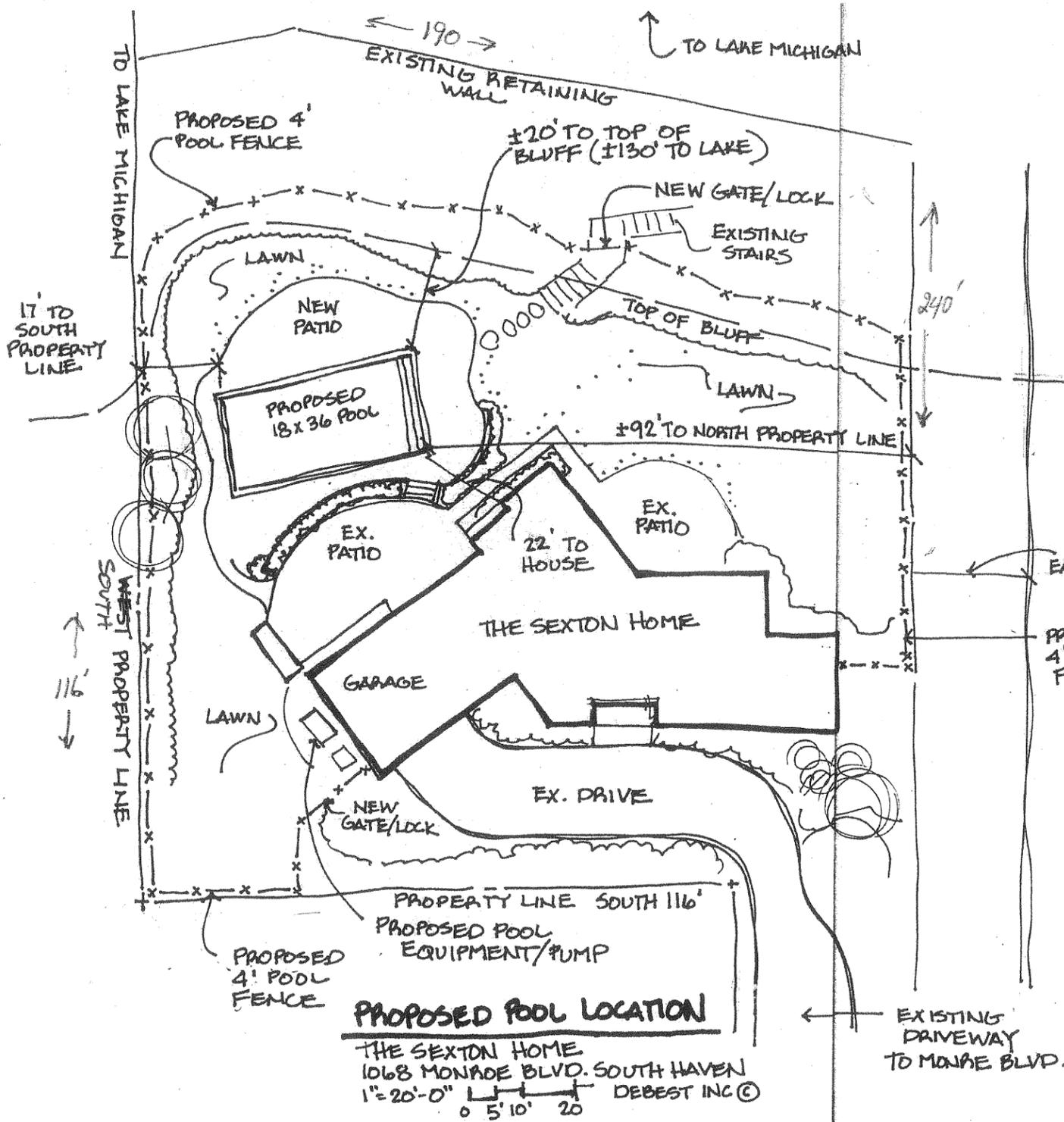


Google

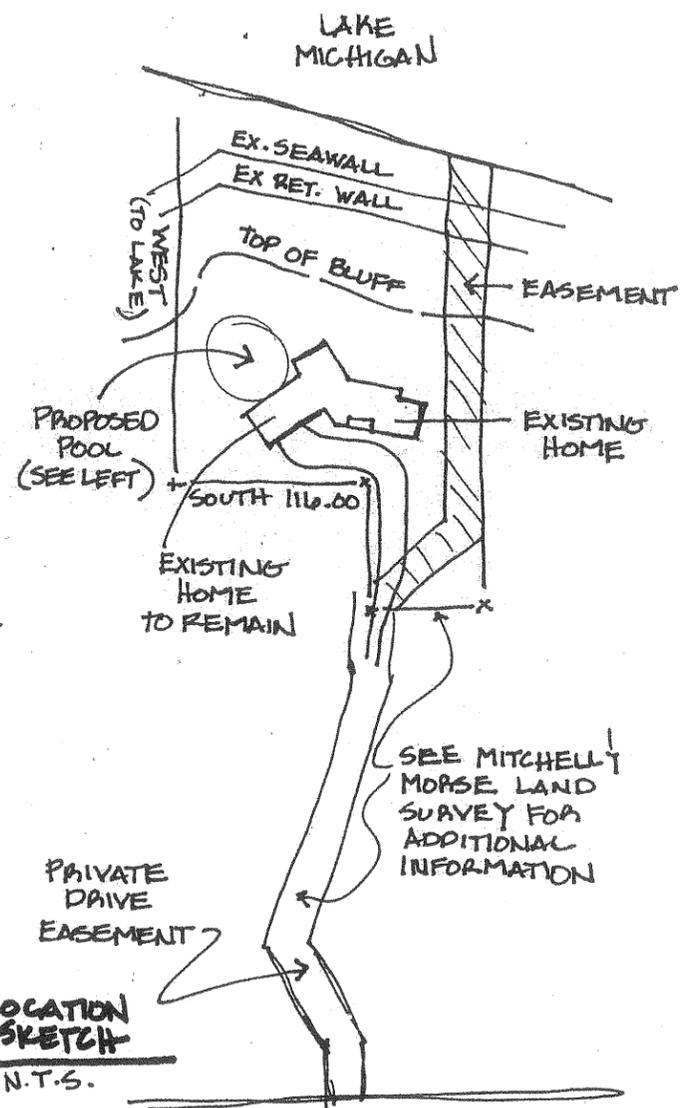
To see all the details that are visible on the screen, use the "Print" link next to the map.



South Shore Manor



PROPOSED POOL LOCATION
 THE SEXTON HOME
 1068 MONROE BLVD. SOUTH HAVEN
 1"=20'-0" 0 5' 10' 20' DEBEST INC ©

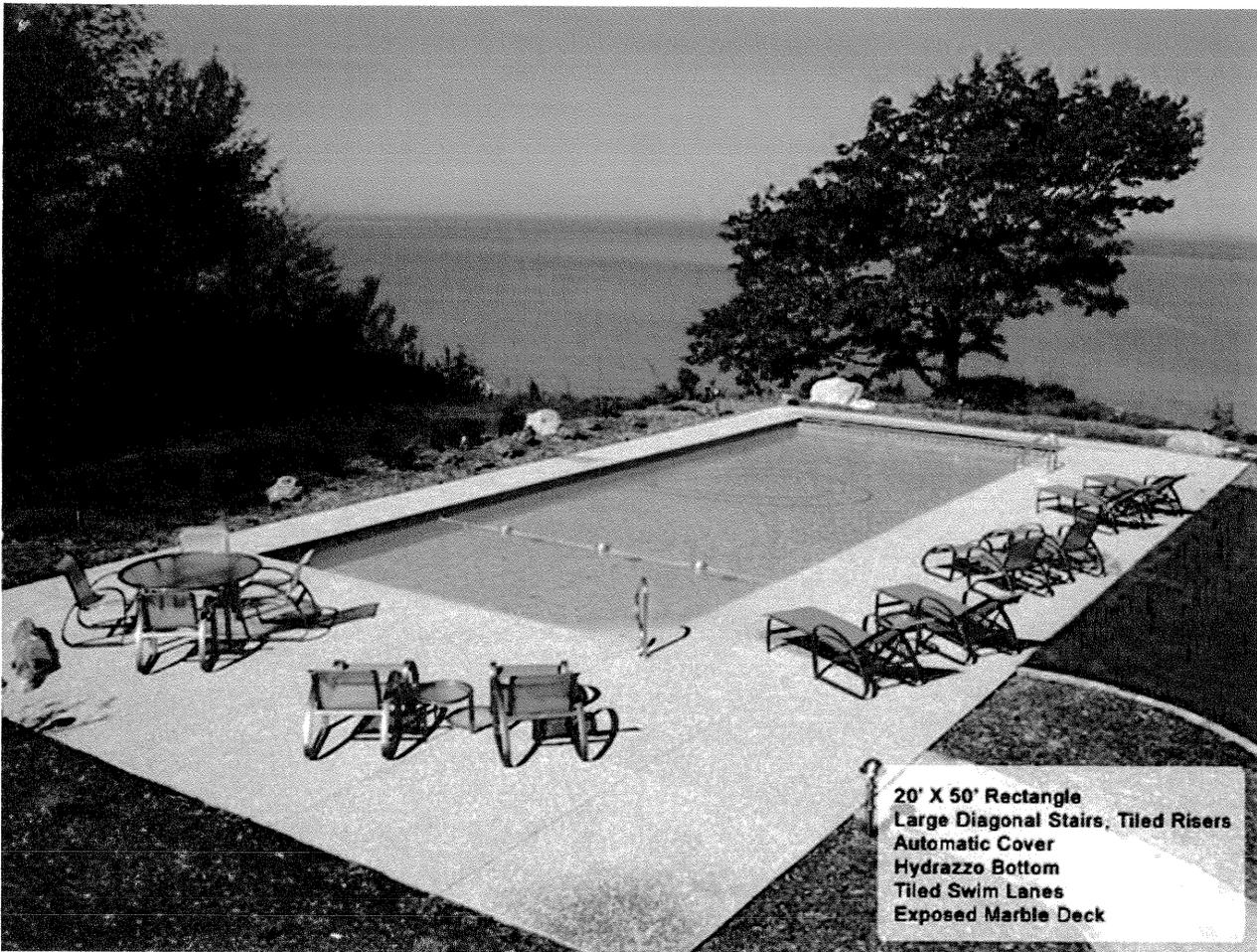


THE SEXTON HOME
 1068 MONROE BLVD, SOUTH HAVEN
 DEBEST INC. © / VLIESTRA POOLS
 DATE: 8/26/13

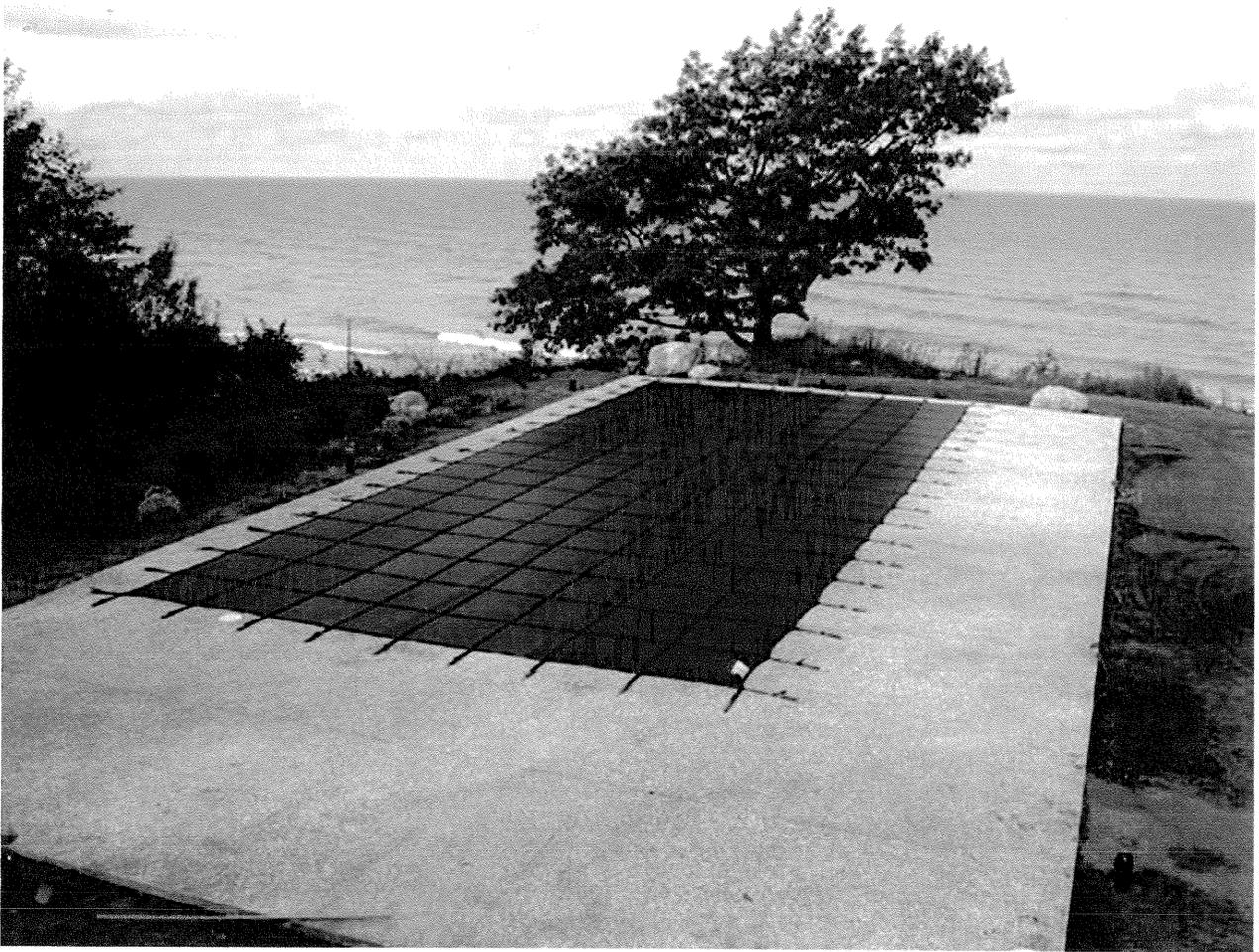
LOOK FOR SOUTH SHORE
 MANOR MARKER
 AT STREET





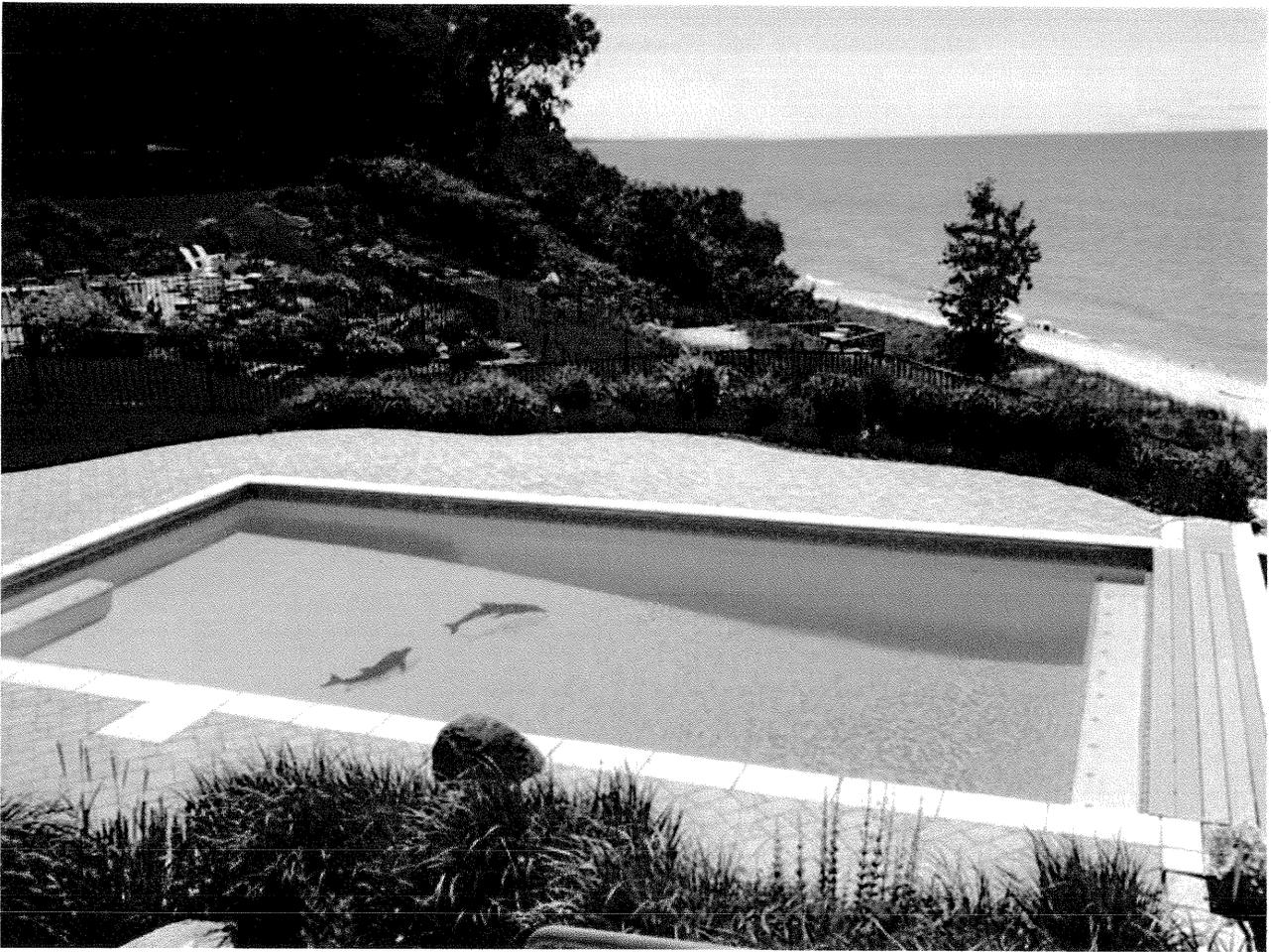


**20' X 50' Rectangle
Large Diagonal Stairs, Tiled Risers
Automatic Cover
Hydrazzo Bottom
Tiled Swim Lanes
Exposed Marble Deck**









**AGENDA ITEM #6a
VLIETSTRA SPECIAL USE APPLICATION
GENERAL INFORMATION**

Case Number.....2013 - 0019-SU

Date of Plan Commission..... 10.3.2013

Applicant.....Vlietstra Bros. Pools for John and Rita Sexton

RequestA special use permit to build an in-ground pool on a waterfront property

Location 1068 Monroe Blvd.

Parcel Numbers.....80-53-210-033-00

Size.....39,000 sq. feet (0.9 ac.)

Street Frontage80 feet +/- on the private drive

Current Zoning.....R-1B Residential

Proposed Zoning.....No change

Contiguous Zoning.....North: R-1 B Residential
South: R-1 B Residential
East: R-1 B Residential
West: R-1 B Residential

Current Land Use.....Single family residential

Contiguous Land Uses.....North: Residential
South: Residential
East: Residential
West: Residential

Comp Plan DesignationSingle Family Residential

CHARACTER OF THE AREA

The subject property is in an area of single family homes on waterfront lots similar in size to the Sexton lot. The character of the area is consistent with the current zoning and future land use classification.

DEVELOPMENT PROPOSAL

Vlietstra Brothers Pools, Inc., representing John and Rita Sexton of 1068 Monroe Blvd, South Haven, MI requests a special use permit to construct an inground swimming pool at the above address on Monroe Boulevard. Swimming pools on waterfront properties require a special use permit according to zoning ordinance section 1725-2d.

PUBLIC RESPONSE

NA

EVALUATION

The following relevant provisions of the Zoning Ordinance are followed by a statement representing the status of the subject property as it relates to that provision.

Article XVII (Section 1725, 2-d, Swimming Pools)

Pools shall be allowed only in side or rear yards except on waterfront lots abutting the Black River or Lake Michigan, where no pool is permitted in any yard without a special use permit. The planning commission shall ensure that views of the water from abutting property are not unreasonably obscured by the pool, a fence, or related accessory structures.

The term "unreasonably" is concerning in this requirement. It will rest on the planning commission to determine whether the view obstruction is reasonable. Staff does not feel that the pool or fence will create an obstruction. The pool is inground and the fencing in the side yards is already obscured by vegetation. The fencing on the lake side is to be placed just down the edge of the bank and will not be highly visible to neighboring properties.

Staff finds this application compliant with zoning requirement Section 1725, 2-d.

Article XV (Section 1502, Basis of Determination):

1. **General standards** - the Planning Commission shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall approve a special use permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this ordinance:

- A. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The proposed pool is consistent with the surrounding area. There are other homes in waterfront areas with pools and there is no reason to expect that the pool will be poorly maintained.

- B. The special land use shall not change the essential character of the surrounding area.

The proposed use will have little or no impact on the neighborhood. There are other homes in waterfront areas with pools and there is no reason to expect that the pool will change the area character.

- C. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the

excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.

No hazardous impacts are anticipated provided the pool is fenced as required by ordinance and state law. Any exterior lighting will need to be dark sky compliant.

- D. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.

No additional demands on public services are expected.

- E. The special land use is consistent with the intent of the comprehensive plan.

The 2011 Master Plan does not specifically address swimming pools.

- F. The special land use shall meet the site plan review requirements of Article IV.

The site plan meets all requirements for a project of this type.

- G. The special land use shall conform to all applicable state and federal requirements for that use.

The application shows the fencing as required by state and local law. Staff has contacted the state MDEQ and found no additional permits are needed for the pool.

- H. The special land use shall conform with all standards in this ordinance and other applicable city ordinances, including but not limited to parking (see Article XVIII), signs (see Article XX), and standards particular to the special land use found in the district provisions, schedule of regulations, or elsewhere.

The application includes all necessary information for a proposal of this type.

RECOMMENDATION

While staff has no reluctance in the approval of the special use request, the planning commission needs to review the case summary, visit the site and determine if this application for a special use permit meets the intent of the city and, if it does, include any conditions they feel necessary.



Agenda Item #6b Discussion of the B-3 Waterfront Business Zoning District

City of South Haven

Background Information:

Item #1. Over the past several months, staff has had several requests concerning the permitting of single family homes in the B-3, Waterfront Business zone. Residences are only permitted in that zone as part of a planned unit development (PUD) or above a permitted use in the district. Staff has found some properties in the zone are too small to qualify for a PUD or lack the area needed for parking for an allowed nonresidential use. As a result, some otherwise viable properties remain undeveloped.

Item #2. The city has for some time been considering incorporating the B-3 zoned properties along Williams Street into the CBD Central Business District. These properties include all B-3 zoned lands south of Dyckman Bridge to Water Street, including Old Harbor Inn and Village. One advantage to this amendment would be the removal of the parking requirements found in the B-3 zone. Staff further believes there is little distinction in the character of the B-3 properties and that of the CBD across the street.

Staff has researched old planning commission minutes in an attempt to understand the planning commission rationale for the above items. The minutes of the meetings do not provide any such rationale but only state that a public hearing occurred and the amendments were forwarded to city council and ultimately adopted.

Recommendation:

No action needs to be taken this evening. Staff just requests that the planning commission discuss these items and generally offer some direction as to whether staff should proceed in studying possible amendments to the B-3 zoning map and text.

Support Material:

None

Respectfully submitted,
Linda Anderson
Zoning Administrator



Agenda Item #7 Proposed Overlay Request

City of South Haven

Background Information:

At the September 5, 2013 regular meeting of the planning commission, there was a public hearing and deliberation of the proposed M-43/I-196 BL Corridor Overlay Zone. The commissioners moved unanimously to forward the draft ordinance to the city council with a recommendation to adopt.

During that meeting, staff inadvertently forgot to mention a concern from a resident living on Phillips Street across from Honor Credit Union. The resident stated that he believed the credit union property (zoned B-1) should be removed from the overlay as he believed inclusion would encourage expansion of the use in the future. Staff explained that that was very unlikely given the size of the property and the fact that the current use was not conforming in the B-1 zoning district.

He asked then that staff bring the matter to the planning commission for their review and opinion. This request did not come from the credit union.

This review is not a new public hearing nor are we reopening the deliberation. This is the result of staff oversight but it should be addressed before the ordinance proceeds to the city council.

Recommendation:

Staff does not find it prudent to arbitrarily remove nonresidential properties from the corridor overlay zoning. The zone is intended to *“apply to all existing or future parcels directly adjacent to or having access on the M-43/I-196 Highway corridor through the City of South Haven, as identified on the overlay zoning map”* with the exception of *“single-family dwellings ..., unless the dwelling is later changed to a nonresidential use as permitted in the underlying zone”*.

Once the decision is made to remove even one or two properties, the door will be open for all properties to opt out of the new zoning overlay zone.

Staff recommends leaving the proposed ordinance as it currently reads.

Respectfully submitted,
Linda Anderson
Zoning Administrator