

Planning Commission

Regular Meeting Minutes

Thursday, April 11, 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: Bugge, Frost, Miles, Smith, Wall, Paull

Absent: Heinig (excused), Soukup (excused), Kozlik-Wall

3. Approval of Agenda

Motion by Bugge, second by Miles to approve the agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – November 1, 2012

Motion by Bugge, second by Frost to approve the November 1, 2012 meeting minutes as written.

All in favor. Motion carried.

5. Election of New Vice-chairperson

Paull noted that due to Chairperson Brunvand's resignation, there was a need to elect a new Vice-chair. Paull opened the nominations.

Bugge nominated Heinig. Second by Smith.

Paull asked for further nominations; seeing none the nominations were closed.

All in favor. Motion carried pending Heinig's consent.

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

None at this time.

7. New Business

A special use request from Millennium Restaurant Group, represented by Bob Lewis, Kalamazoo, MI, to allow outdoor dining on a dock directly east of the existing Idler

restaurant dock. The property is owned by King Landgin LLC, Holland MI. The dock dining area will be associated with the existing Idler restaurant but will operate under a different name. The applicant intends to reconstruct and extend the dock over the water. The parcel number for the property is 80-53-125-200-00 and the zoning is B-3, Waterfront Business.

Paull outlined the procedure for the public hearing.

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

Anderson reviewed and explained the application as submitted by Bob Lewis, the applicant. It was noted that the proposed dock space would operate as a separate restaurant although sharing the kitchen with the Idler. Anderson noted several items for which the commission will need more information prior to final approval.

Anderson explained that this application has to go to the Harbor Commission, which meets on April 16. The Harbor Commission will make a recommendation to the Planning Commission. There is also no parking, as explained by Anderson. Depending on the occupancy maximum, there will be a number of required parking spaces. The Zoning Board of Appeals will need to grant a variance and that board does not meet until May 20. Anderson noted that without those approvals and recommendations the Planning Commission cannot finalize any action on this request.

After a question by Paull regarding the occupancy limit, Anderson explained that the fire marshal sets the occupancy and the parking requirement is being based on that. The fire marshal has not reviewed this yet, because there is not a complete site plan at this time and the size of the dining area has yet to be determined, according to Anderson.

Anderson noted that she e-mailed to the commission a letter from John Marple with a number of comments regarding the effect on this request on Old Harbor Inn. Anderson also said, "There are three (3) additional addendums to that letter in front of you."

Chairperson Paull invited Bob Lewis to address the commission.

Bob Lewis, applicant and representative of Millennium Restaurant Group, thanked staff and the City for their help through this process. Lewis noted that he brought along some architectural drawings; the intent is to open with the existing square footage; the larger dock would be an evolutionary process based on whether or not approval is granted to add on to the existing dock. Lewis noted that the intent is to maintain the dockside ambience while adding some seating for diners.

Lewis restated that the kitchen on the Idler would serve as the kitchen for the new dockside seating. The restroom is also a question mark, according to the applicant, as to whether there would be two (2) restrooms or one unisex restroom.

Lewis also noted that the small scale sketches in his packet of materials indicate ingress and egress. There was a brief discussion of how ADA compliance will be met and how the decks for the Idler and access to the dockside seating will work together.

Regarding refuse removal, Lewis has a letter from Reliable Disposal, stating that Lewis will be meeting with Reliable to sign a contract this week. Lewis mentioned some problems the Idler has had in the past regarding refuse, noting that last year when the Williams' Street project was done the area where the dumpsters had been was removed and a new pad has been placed for dumpsters,

In reference to lighting concerns, Lewis stated that new fixtures will be attached to the pilings; in line with what Old Harbor Village or what the city has put in along the streets. Lewis believes what he has referred to in the material provided, indicates the type of lighting he proposes. There was a brief discussion of the issues regarding lighting adequate for dining that will not provide so much lighting that it would be annoying to neighbors and boaters.

Lewis brought up noise, explaining that he has worked with the city to keep noise issues to a minimum. Lighting will comply with the city's regulations. Liquor license is in transition to be approved when the sale is final.

Smith requested an explanation of the restroom plan. Lewis said the restroom building will be attached to the adjacent jewelry store and provides enough room for two full-size restrooms. There is also access to use the Old Harbor Village restrooms.

Bugge asked if the dock is 12' wide now; Lewis said that is correct and added that the group would like to extend the dock ten (10) feet; the actual build out size will be dependent on the city and government harbor lines.

Bugge asked whether there is handicap access to which Lewis responded, "Yes."

Frost requested information on how high the existing deck is; Lewis noted that the Idler deck is at street level and explained that there is room to extend the ramp to make it compliant with ADA guidelines.

Bugge asked about the cement ramp shown on the photographs; Lewis explained that the cement ramp is strictly for deliveries and does not comply with ADA restrictions. Due to confusion with the provided sketches, Bugge and Paull requested explanation regarding how the access would come from the existing Idler access.

Bugge asked if the new ADA compliant ramp will cover up some of the existing dock. Lewis said, no, the new deck/ramp will be designed so there will be dock space. Frost asked where the slips begin and Lewis indicated where that is on his drawing.

Bugge asked for more details on the garbage situation; Lewis said it has been an ongoing problem and described some of the issues dealt with in the past with location and pick-up. Lewis noted that there will be a contract signing on Monday to get garbage pickup. The new dining area will share the Idler dumpster.

After questions from the board regarding lighting issues, Lewis said the existing floodlights would still be in place for emergencies, but the new lighting would be more subtle.

Frost asked about whether this dining area will close earlier than the Idler. Lewis said this will be more of a dining experience and less of a bar experience. The intention is not to run it as late as the Idler. Last year he had conversation with the City regarding noise and complying with the ordinance. Part of the gray area is the difference between seating time and closing time. Their idea is to close at 10:00 on weeknights and 11:00 on weekends but not to necessarily close the dock at those times.

After a question from Bugge regarding the speakers, Lewis noted that speakers would be needed for background music but he will try to keep it less noisy than the Idler.

Chairperson Paull asked for other comments from the public.

John Marple, Old Harbor Village; General Manager of the Old Harbor Inn. Tonight, Marple clarified, he represents the Old Harbor Village condominium association. Marple stated, "In principle the association believes this proposal would be a compatible use even though we

are right next door to the proposed dockside seating. Marple noted that the inn has ten hotel rooms that would be directly affected by this proposed use. "In the past we have had tremendous problems with noise and with drunks, not just from the Idler, but from throughout the entire downtown area." Marple noted that those ten hotel rooms generate between \$200 plus up to \$400 plus per night. Marple also asserted that the condominium group has nineteen owners; these are individual investors with certain expectations. Marple stated that in the past year or so, the cooperation between the Idler with the Village has been excellent. Marple thinks the various entities can have very compatible use of the area. "Without placing some restrictions on this special use, however, it has the potential to be extremely detrimental to these investors and to me earning a living."

Marple listed several concerns he included in his memo to Anderson dated April 8; parking, hours of operation and access, among others. Marple stated that the Planning Commission and the city need to take a serious look at all of these concerns.

Mike Paul, co-owner of three (3) units at Old Harbor Village, all of which are business units at ground level concurred with Marple's ten (10) items and added three (3) more items: 1.) Pedestrian entrance/walkways need to be clarified and clearly marked; Paul does not want lines of waiting patrons backed up on Old Harbor Village property. 2.) The smoking ban affected condominium owners and users; smokers walk around smoking and hanging out in the private condominium areas. A plan review needs to include a designated smoking area on the restaurant property. 3.) Get rid of the fish cleaning station and note that the roof ties into condominium property. The condo association would like the roof extension eliminated and the roof returned to its original design. Finally, the restaurant needs restroom facilities of its own, and not the condominium association restrooms. "We, as an association, spent over \$12,000 refurbishing our restrooms. Now we have tremendous cost in supplies and maintenance. City doesn't reimburse us a penny. Idler doesn't reimburse us a penny."

Mr. Hummel owns a slip three (3) positions west of the Idler. Stated that the proposal makes a very nice addition to what the harbor can look like. Requested that the commission take the nearby slip owners into consideration when considering this proposal.

Marsha Hummel owns a slip three (3) positions west of the Idler. Expressed appreciation for the village and the plantings and storefronts. "If the two parties could work together we could have a space where a family could sit down on the water and have a dining experience." Mentioned that when the Three Pelicans went out the city lost that. Stated that South Haven is a beautiful town, until you get past the Idler and it looks like a dump. The area is not taken care of so there could be some real benefits if all parties can work together and solve their concerns.

Marple thanked the chairman and asked the commission to seriously consider the concerns of Old Harbor Village which are outlined in the memo the commission received. He pointed out the mixed uses within the neighborhood. All uses need to be properly protected and retained. Stated this area could be like the Mermaid in Saugatuck; noted that he does need to represent the investments of the condo association folks tonight. Stated that he knows that there can be restrictions put on an approval that would protect the interests of those concerned. Noted that the harbor lines were generated when he worked for the city. Believes that property can be extended to the harbor lines. Noted that the Army Corps may disagree, but that was certainly our intent when we created the city harbor lines a few years ago. Stated, "We're not in opposition; we just want to be properly protected."

Paul gave the applicant permission to return to the podium.

Bob Lewis, Applicant. Noted that he was aware of some concerns and he could go through them point by point, if that would be the wish of the commission. Understands that we have mixed uses. "We have neighbors and we have to be good neighbors." Understands the

concerns regarding the hours of operation, noted that seating or vacating can be two different things. Thinks this could be good for the town and for the inn to have a facility for their guests to go down to.

Mike Paul noted that Marple does forewarn his guests that it is an entertainment district. Stated that he thinks that is a nice way to promote the general area between us (Old Harbor Village Inn) and Captain Lou's, up to Joe's Bar and so on. .

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

Paull opened discussion among the members of the commission.

Smith: Likes the proposal; parking has to wait for Zoning Board of Appeals.

Bugge: Voiced concern as to whether the ordinance permitted outdoor seating in the waterfront area. Outdoor dining is not specifically listed but restaurants are listed. She also pointed out that staff has made a suggestion that a rezoning to Central Business District for this area would be more appropriate and would eliminate the parking issue. Noted that while the commission might all enjoy going there and like the idea, it has to fit and rezoning may be the best option.

Paull: Questioned the binder (*presented by applicant at the meeting*) with information that was not in the original application, relative to seating capacity. There has been more info requested that has not been received.

Lewis said that he could have given a number of potential diagrams. There is no way we can build out before the season starts. Once we know where the harbor lines are, we could do more, but for now the request is for use of the existing docks.

Paull noted that there are some approvals necessary before this Planning Commission makes any approval. There are issues unresolved related to parking, seating capacity, restroom size and even whether the drawings are accurate. It is assumed there needs to be complete rebuilding due to condition of the existing docks. This is a very incomplete plan for this commission to approve or act upon. Harbor Commission and Zoning Board of Appeals still need to weigh in on this. Recommended postponing approval of this until June because of the harbor lines, zoning, etc. Paull and Bugge recommended that the applicant seriously consider rezoning the property as an alternative.

Bugge, Miles and Frost concur with the rezoning recommendation.

Motions by Bugge to postpone a decision until the Harbor Commission and Zoning Board of Appeals have made their decisions. Second by Miles.

All in favor. Motion carried.

Bugge asked the applicant the height of the roof supports on the docks. Lewis stated he believes they are 7'.

8. Discussion of proposed Corridor Overlay Zoning Ordinance

Available planning commission members have been meeting for the past weeks to review and refine the Corridor Overlay Zone text. This overlay text applies to nonresidential properties adjacent to the M-43/I-196 business loop through the city. It is intended to standardize signage, landscaping and setback standards in 3 distinct areas of the corridor. This overlay zone does not change existing zoning nor does it

alter application procedures. The ordinance does not require any changes to existing commercial properties. Compliance with the ordinance will occur only as businesses are rebuilt or major modifications to the properties occur.

Anderson explained that in working on the concept, the group could not come up with one neighborhood type so divided the corridor into three (3) areas, eliminating the residential areas which are exempt. Anderson referred to the packet which indicates the various areas, identified as A, B and C. The illustrations from our Progressive AE consultant will be cited and included in the document once the text is in final draft form.

After the Planning Commission is satisfied with the document Anderson will have the City Attorney review it and then have an open house, perhaps an hour before a regularly scheduled meeting. The meeting would then include a public hearing. Anderson will send letters to all business owners along the corridor, stressing that if this ordinance is adopted it will only affect businesses and only then when major change or redevelopment occurs on a property.

Paull emphasized that this overlay district is like a vision of where this area may be in ten to twenty years. If you drive and look at this area, it is already in transition. Considerations will be what kinds of transition will occur and what kinds of regulation will be needed as that happens. These are the rules that will need to be followed when things begin to transition.

Smith asked for confirmation that no major change to existing businesses will occur. Anderson said there is a table as part of the ordinance that explains when compliance is required. Underlying zoning stays the same; this is intended to bring some standardization to the various areas along the corridor. The city is working on a separate project which includes changes to public and pedestrian areas along the corridor.

Paull enjoyed working on this project because it is bringing together a vision he's had for many years, especially the M-43 corridor where the Wellness Center and SH Health Systems are located.

Frost asked whether staff started with a template. Anderson said it was a combination of several she worked on and others she found. The city also worked with a consultant who assisted in the text and graphics. Frost noted the specifics regarding trees and asked about the types of trees and percentages of trees; Anderson said we have a tree ordinance and much of what is here mirrors that; the city arborist will also review that part of the document.

Bugge said the islands shown in the illustrations need to be labeled as it is difficult to tell what is what.

Paull said the next steps are review by counsel, and the arborist. Anderson said after that the commission may decide on an open house and public hearing schedule.

9. Discussion of possible amendments to the sign ordinance relating to nonprofit organizations in residential zones.

Paul said this came about because of a request to the zoning board of appeals (ZBA) for the historical society to place a monument sign on residentially zoned property. Such signs are not permitted in residential zones. Following that agenda item, the ZBA noted that this type of sign variance has been before them in the past and all requests have been approved.

The members then agreed that a request should be made to the planning commission to consider an amendment to the zoning ordinance to allow administrative review of nonprofit/institutional signs instead of requiring a variance hearing before the ZBA. If the planning commission members are in agreement, staff will start working on it. Smith said requests for these non-conforming signs come up a lot and he agrees with the proposal.

Paull wants this to be signs for community amenities only; nonresidential uses that are permitted in the residential zones. Paull noted that residential zones allow for these amenities but not for signs for them.

No formal action needed; draft amendment will be brought to the planning commission for a hearing when ready. Anderson asked for volunteers to help work on the amendment.

10. Proclamation for Dick Brunvand

Motion by Bugge, second by Miles to support the proclamation that has been written for Dick Brunvand, a former member and chair of the Planning Commission.
All in favor. Motion carried.

11. Commissioner Comments

Smith: Recalled that the commission approved a little used car lot recently and asked if anyone has driven by after dark. Anderson stated wall lights were installed and in compliance but the other lights do not seem to comply.

Bugge said the lights on the new Marina Building are not in compliance.

Anderson will check on both light issues.

Anderson: At the June meeting the planning commission will hear amendments to the sign ordinance and a rezoning request from the Local Development Finance Authority/Brownfield to rezone a city property from I-1B to I-1.

Anderson: As a result of a Zoning Board decision late last year concerning an easement and a private drive, the city attorney, who was at that meeting, drafted definitions that would protect the city from falling into this sort of situation in the future. That hearing will also be in June.

Bugge asked about a May meeting to which Anderson responded, "We may have an industrial site plan review coming in."

12. Adjourn

Motion by Frost, second by Smith to adjourn at 8:20 p.m.
All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary