

# Planning Commission

## Regular Meeting Minutes

Thursday, June 6, 2013  
7:00 p.m., Council Chambers



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

### 2. Roll Call

Present: Heinig, Miles, Smith, Soukup, Wall, Paull  
Absent: Frost

Motion by Wall, second by Smith to excuse Frost.

All in favor. Motion carried.

### 2a. Election of Officers

Motion by Wall, second by Smith to nominate Paull as chair.

All in favor. Motion carried.

Motion by Wall, second by Smith to elect Heinig as co-chair.

All in favor. Motion carried.

### 3. Approval of Agenda

Motion by Wall, second by Heinig to approve the agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – April 11, 2013

Motion by Wall, second by Miles to approve the April 11, 2013 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

Paull enumerated the basic requirements of a public hearing.

### **PUBLIC HEARINGS**

#### **a. Rezoning request**

##### **An Ordinance to Amend the Official Map of the South Haven Zoning Ordinance to Rezone 16.8 Acres from Industrial I-1B to Industrial 1-1.**

Anderson noted that this rezoning has been discussed in the past. Paull pointed out that the rezoning will actually be reverting to the former zoning.

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

All in favor. Motion carried.

Paull called for anyone who cared to speak. Seeing none . . .

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

All in favor. Motion carried.

Motion by Smith, second by Wall to forward the rezoning request on to city council with a recommendation to rezone 220 Aylworth from I-1B Industrial to I-1.

Paull noted this has needed to be done.

All in favor. Motion carried.

#### **b. Text Amendment #1**

##### **An Ordinance to Amend Section 201 of the South Haven Zoning Ordinance to Define "Easement" and "Private Road."**

Anderson noted that this amendment has also been previously discussed. We did not have these definitions during a previous meeting and the city attorney recommended these amendments to avoid any confusion in the future.

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

All in favor. Motion carried.

Paull called for anyone who cared to speak. Seeing none . . .

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

All in favor. Motion carried.

Paull noted this will make it easier for the Zoning Board of Appeals in particular to make decisions regarding these items.

Motion by Wall, second by Soukup to forward the proposed ordinance amendments on to city council with a recommendation to adopt.

All in favor. Motion carried.

**c. Text Amendment #2**

**An Ordinance to Amend Section 2001 and 2008 of The South Haven Zoning Ordinance to allow for Institutional Signage in Residential Zones**

Anderson said the city simply did not allow freestanding signs in residential zones. The Zoning Board of Appeals questioned the requirement for nonprofits and institutional land uses in residential zones to always go to the Zoning Board of Appeals for such signs. Anderson read the definition which was drafted and noted that regulations for these signs include that they can be freestanding or on a wall, but not both. .

Lighting was discussed. Anderson noted that most of these uses are not open in evening on a regular basis anyway. Regulations include that the sign cannot be lit from within; cannot send a glare to neighboring properties and the light has to be on top and shine down. It almost must be night-sky compliant; shielded so nothing would shine outward or upward. There are specific times when such signs can be lit.

This amendment, Anderson noted, would allow approval of such signs to be an administrative decision, to make it easier for non-profits or institutions to obtain signs if they are allowed in the residential zone. Anderson said this does not open the door to any other residential signs.

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

All in favor. Motion carried.

Paull called for anyone who cared to speak. Seeing none . . .

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

All in favor. Motion carried.

Paull called for discussion by the board.

Smith noted that he liked the detail, and likes administrative control in such cases because it gobbles up everyone's time otherwise.

Motion by Smith, second by Heinig to forward the proposed ordinance amendments on to city council with a recommendation to adopt.

All in favor. Motion carried.

**d. Special Land Use Permit Request - Café Julia, 561 Huron Street, Outdoor Seating**

Anderson said this is an expansion of the existing outdoor area, will be fenced, will have grills or pizza oven similar to Brix, seasonal type of restaurant. Reviewed all requests for outdoor cafés and this request is in compliance with all regulations.

Motion by Wall, second by Soukup to go into public hearing.

All in favor. Motion carried.

Paull called for anyone who cared to speak. Seeing none . . .

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

All in favor. Motion carried.

Paull called for discussion by the board.

Wall says it is a wonderful idea.

Soukup agreed but has some questions that people have asked her.

Jay Marcoux, applicant. Passed around some drawings of the proposed plan. Marcoux noted the trees and retaining wall which are on Postal Service property; "Those trees will have to come out." Marcoux stated that he spoke with the postmaster and with Linda and it is a federal issue. Marcoux stated that working those issues out is between Marcoux and the Post Office. Marcoux noted that there are trees on his site that will have to come out as well, but noted that they want to retain some green space. Paull asked how seasonal it will be, to which Marcoux said, "Hopefully April through October. Maybe open up for some winter festivals."

Paull said one letter received by the Planning Commission expressed concern with the outdoor seating being in operation when ice skating was going on. Paull pointed out that there are no regulations against having this establishment open during the winter.

Anderson pointed out the letter in opposition received from Carol Driver regarding serving of alcohol in an area where children will skate or visit the library. Marcoux noted, "Hence the fence."

Motion by Soukup, second by Wall to approve the special use permit for Café Julia.

All in favor. Motion carried.

**e. Special Land Use Permit Request - Becky Snyder, 1022 Phoenix Street, Home occupation for massage therapy.**

Anderson reiterated the background information explaining that the applicant is trained, certified and state licensed in therapeutic Massage. Anderson noted that two letters from neighbors were received regarding this request.

A letter from the Hadden's with concerns regarding parking but stated, "There is plenty of room for parking." The Hadden's were also concerned about a sign being posted but Anderson explained that a 2'x2' sign mounted on the house wall is the only thing permitted in this zone.

Anderson also noted the letter from Scott & Sandy Ratter with various concerns regarding parking congestion and property values along with increased police costs if this request is approved.

Staff recommends approval. Anderson pointed out that one of the goals of the current Master Plan is to encourage home occupations in the city; "this sounds like a good addition to those approved in the past."

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

All in favor. Motion carried.

Becky Snyder, applicant stated that being a massage therapist is what she was born for. Stated she has small children so neighborhood and reputation are important to her.

After questions from the board regarding the length of appointments, Snyder noted that she allows an hour and fifteen minutes between appointments. Snyder stated that she keeps her car in the back and customers can turn around so they do not have to back out on to Phoenix Street.

Soukup asked how many appointments Snyder can do in a day. Snyder stated that no more than five a day is recommended, but she generally does four. She stated she will aim to have between four and five; she plans to be open one evening until 7:00 p.m.: Saturday mornings and to be closed on Sundays.

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

All in favor. Motion carried.

Paull called for discussion from the board. Smith noted that the request meets the intent of the ordinance.

Motion by Smith, second by Wall to approve the special use permit for home occupation.

All in favor. Motion carried.

## **7. Commissioner Comments**

Paull asked if Anderson had any comments.

Anderson noted that the Zoning Ordinance overlay is completed and she will send it out electronically tomorrow. Anderson would like to hold an open house on this for all businesses in the overlay zone an hour before the next regular Planning Commission meeting on July 11.

Anderson also informed that there is starting to be a lot of activity along Broadway with businesses turning over so Anderson hopes to get the overlay zone in place soon.

Anderson also updated the board that the “Idler dock” has been sold to another individual; at our next meeting that original application needs to be taken off the table, denied and leave the door open for someone else to apply. Anderson noted that rezoning of the dock area, formerly known as the Nichol’s dock, is being worked on at this time. “The Idler is old business so will come up first on the agenda next month.”

Wall: A reminder that it is summertime; Film Festival next weekend and it will be Father’s Day weekend. Bring your husband out to the Waterfront Film Festival!

Soukup: None  
Smith: None  
Miles: None  
Heinig: None  
Paull: None

## **8. Adjourn**

Motion by Wall, second by Soukup to adjourn at 7:33 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary