

Planning Commission

Regular Meeting Minutes Thursday, November 7, 2013 7:00 p.m., Council Chambers



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

2. Roll Call

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

Motion by Smith, second by Heinig to excuse Wall.

All in favor. Motion carried.

3. Approval of Agenda

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

All in favor. Motion carried.

4. Approval of Minutes – October 3, 2013

Motion by Smith, second by Peterson to approve the October 3, 2013 regular meeting minutes.

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 – Special Use Permit, BMX Track

The City of South Haven requests approval to develop a BMX Pump Track at 1026 E. Wells Street. Public recreation facilities are permitted in this R-1B zone with a special use permit from the planning commission.

Anderson introduced the request for a public BMX pump track for non-motorized bikes, which is to be located near the Public Safety complex. Anderson noted she has some site plan related comments she will discuss later.

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

All in favor. Motion carried.

Tony McGhee, Abonmarche. Noted the uses in the surrounding area; reviewed the site plan; additional parking is planned that can also be used to accommodate events being held at the public safety building.

McGhee displayed two (2) three-dimensional (3-D) concept drawings, explaining the track will be made out of clay and was designed with built-in drainage.

Paull called for questions.

Peterson asked if it is fully fenced in. McGhee indicated that there is fencing all the way around and identified the location on the site plan.

Smith had questions about maintenance. McGhee said pump tracks are relatively low maintenance. The Parks staff will need to go out there every month or so and do some raking. Frost asked about erosion; McGhee noted that that is not a typical problem with these tracks and indicated where drainage has been accommodated on the site.

Peterson asked if the property was originally earmarked for cemetery expansion. McGhee said to the best of his knowledge, this piece of land has always been part of the public safety complex.

By motion the public clearing was closed.

Paull called for discussion, comments and suggestions.

Anderson: Thinks it is a good project but would like a few minor changes made to the site plan. Would like to see setback distances shown on the final site plan. Noted that Ron Wise wants to keep one area clear for training (she identified the area on the site plan). There should be a trash container on site, which must be screened. Bike racks, not a lot of them, but some so bikes are not lying all over. Would like to see more screening between the residence that exists across the driveway. Suggested some seating for parents or observers. If there is going to be any exterior lighting, she would like to see a detail of that. Any signage will be done under our new institutional sign requirements and will require a zoning permit. The City Engineer would like to see storm sewer and drainage shown on the site plan.

McGhee: All of the suggestions are fine; there will not be lighting, but the rest will be easy to put together.

In response to a question by Smith about restroom facilities, Anderson noted they will be using the facilities at the Public Safety (SHAES) building. McGhee explained that the new building will have restrooms that are available without going into the restricted area.

Motion by Smith, second by Heinig to approve the proposal with the following additions:

- Indicate setback distances on the final site plan
- Keep the designated area clear for public safety training
- include a trash container on site, which must be screened
- Bike racks
- More screening between the residence that exists across the way
- Seating
- Signage with zoning approval and in compliance with the city's new institutional sign requirements
- Storm sewers and drainage shown on the site plan

All in favor. Motion carried.

B. Discussion of Draft Wind Turbine Generator Regulations (2010)

Paull reviewed the Planning Commission's previous discussions and the history of the ordinance. He stated that the ordinance had been forwarded to the city council in 2011. The city council and planning commission then held a joint worksession to discuss the areas of concern. The planning commission then sent the ordinance back to the city council in November of 2011 with only minor changes. The ordinance has remained in limbo since that time. The primary point of contention was a provision for 400' towers within the city limits. Even a 200' one would require an appropriate fall zone.

Paull noted that If the commission does not feel there are any additional changes or requirements the board can vote to move it again to City Council or if members feel it needs to be tweaked or fixed, we might form a sub-committee and discuss it or we could add comments tonight.

Miles stated he believes the ordinance is perfect the way it is.

Peterson asked about the City Council's issue with the draft. Paull said there was interest by a particular developer to put up a 400' windmill and that was a sticking point for the whole ordinance. That interest has since disappeared.

For the benefit of the three members who were not on the planning commission at the time the ordinance was previously discussed, Anderson reviewed the history. After several public hearings, the Planning Commission sent the ordinance to council. The City Council is required to present the draft ordinance twice; the first time they cannot act on the proposed amendment or make any changes. They do have the authority to send the ordinance back to the planning commission to require further study or consider changes to specific areas of the text. In this case, the City Council received the text and requested a work session with the Planning Commission to go over the ordinance in detail. After that meeting the Planning Commission took the comments back but decided they were not going to change it and sent it back to City Council but it never got put back on the agenda. Anderson stated that she does not think it was an oversight but perhaps it was not a good time to deal with it. This draft ordinance has been in limbo ever since that time. Anderson stated that she wondered about this unfinished project when she started working for the city. A few months ago the City Manager wanted to pick that issue up again and dispose of it one way or another. Anderson asked to bring it back to the

Planning Commission and see what their feelings are, whether they want to change anything, or whether they want to resend it on to City Council the way it currently reads. The City Council, since it is the second time for them, can make whatever changes or amendments they want to make. Anderson said she would like to have an ordinance in place because we do get calls now and then, but does not want to re-invent the wheel.

The following question was asked, "The area to the east side of the highway, the City Council wanted that area to allow 400 feet tall wind turbines and the Planning Commission kept 200 feet as the height limitation for such fans anywhere within the city limits.

Smith asked if locating the wind turbine out in the industrial park would prohibit building anything else, Paull said yes, and Miles explained it would eat up a lot of valuable property given the required fall zone. Smith said he has no problem with sending it back to City Council. Smith said 40' is the max allowed in most of the city, because we allow the peak of a house to be 40' – the two industrial areas south of the city could have wind turbines up to 200'.

When asked, Anderson restated that the November 11, 2010 version was the final version of the ordinance that was sent to City Council.

Motion by Miles to send the draft wind turbine ordinance on to City Council as written; second by Smith.

All in favor. Motion carried.

C. Discussion of B-3 Zoning District.

Anderson noted a sub-committee of Paull, Heinig, Webb and herself was formed which looked at the entire B-3 area and current regulations to identify any problem areas other than what had already been discussed. The subcommittee agreed that all amendments to the zone should be drafted at one time rather than piece-mealing it. The B-3 zone does not allow single family homes but we could not find any reason for that limitation. The committee suggests simply adding single family homes to permitted uses and changing the zoning from B-3 to Central Business District (CBD) for the Old Harbor Village/Inn retail area.

Anderson noted that the area along Williams Street that is zoned B-3 but actually is more consistent with the character of the Central Business District. The marinas should not be rezoned to CBD as they are more compliant with the B-3 zoning district regulations. This area which includes the Old Harbor is of similar character to the downtown and eliminates the need for off-street parking. The Old Harbor Village was able to develop without the off-street parking requirement because the city had a parking program at that time which allowed business owners to pay into a fund established to create new public parking lots in lieu of off-street parking. That program has since been abandoned.

Anderson noted that one issue with changing Old Harbor to CBD is that in the B-3 zone buildings may only be thirty-five feet (35') or two-and-a half (2.5) stories high but in the downtown buildings may be as high as forty-five feet (45') and 3.5 stories.. Buildings at that height would likely not be acceptable along the riverfront. If the planning commission

does decide to pursue changing the Old Harbor from B-3 to CBD we would have the option of placing an overlay on just that area, saying height could not exceed thirty-five feet (35') or specifically write that exemption into the ordinance. Anderson is currently favoring establishing this height restriction as an overlay zone to cover just the area that is being changed.

Paull commented that if these changes sound reasonable to the Planning Commission we could draft some text and arrange for a public hearing for these amendments.

Smith likes the solution to the height issue but wondered if, long-term, we would run into questions about doing the overlay: "Would some ask whether we would do that on the other side of the river?" Anderson reassured that that would not be an issue across the river as they are not in the Central Business District.

After a comment by Miles, Anderson noted that she has received calls regarding building a home on the old Three Pelicans site but presently that is not permitted. If single family residential becomes a permitted use in the B-3 zone, that lot would be a potential site for a house to be built. Heinig said adding the single-family residential to permitted uses in the B-3 zone could also solve the problem of there being so many non-conforming single family homes in the area. Paull agreed that was a good consideration.

Paull suggested that if the board is agreeable, Anderson could construct the language, draft the ordinance changes as described, and come before the Planning Commission in December for public hearing.

By consensus, the board agreed to Paull's suggestion.

7. Commissioner Comments

Anderson:

Planning Commission will have other requests in December, including outdoor dining requests from current business owners.

The corridor overlay zone was approved at City Council and will be enacted shortly.

There were no comments from the Commissioners.

8. Adjourn

Motion by Smith, second by Heinig to adjourn at 7:37 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary