

## City Council

### Regular Meeting Minutes

Monday, October 21, 2013  
7:00 p.m., Council Chambers



City of South Haven

#### 1. Call to Order

#### 2. Invocation

- Moment of Silence

#### 3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr  
Absent: None

#### 4. Proclamation – We Care I.N.C.

#### 5. Proclamation – 2013 Housing America

#### 6. Approval of Agenda

Moved by Patterson to approve the agenda. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

#### 7. Consent Agenda: Items A thru C (Roll Call Vote Required)

Moved by Fitzgibbon seconded by Patterson to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes of October 7, 2013.
- B. Bills totaling \$741,807.87 for the period ending October 22, 2013 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 08-13-2013 Parks Commission Minutes
  - 2) 09-05-2013 Planning Commission Minutes
  - 3) 09-09-2013 LDFA Minutes
  - 4) 09-18-2013 Airport Authority Minutes

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr  
Nays: None

Motion carried

- 8. City Council will be asked to approve Resolution 2013-63 a resolution authorizing the city manager to purchase the properties at 552 Monroe Blvd., 556 Monroe Blvd., 560 Monroe Blvd., and 568 Monroe Blvd., incorporating Michigan Natural Resources Trust Fund Grant for acquisition of the land.**

*Background Information:* The City Council will be asked to authorize the city manager to proceed with purchase of the four (4) private properties located along Monroe Blvd., on behalf of the City. The total purchase price, for the four properties is \$950,000. The purchase will be partially funded using Michigan Natural Resources Trust Fund (MNRTF) grant funding. The MNRTF is providing \$665,000 in grant funding.

The City Council is being asked to consider authorization of staff to proceed with purchasing four parcels along Monroe Blvd. The property purchase coincides with the City Council's adopted priorities. The Council's adopted priorities for fiscal year 2013-14 includes a commitment to seeking grant funds to assist with the acquisition of privately owned, undeveloped parcels adjacent to Lake Michigan. The city's application to the MNRTF was tentatively approved by the State of Michigan in July, 2013. Over the past several months, the city's staff has been actively working to fulfill the grant requirements of the MNRTF. At this time, staff believes that the MNRTF's requirements have been satisfied and that the city can proceed with property purchase.

The four privately-owned, undeveloped parcels along Monroe Blvd. are highly valued due to their offering of unobstructed scenic views of Lake Michigan. The City of South Haven is proposing to acquire the four parcels to 1) add land to the park system; 2) ensure preservation of natural resources; and 3) offer an additional recreation opportunity to the public.

The funding request will be \$665,000 and the City will provide a 30% match of \$285,000 for a total project cost of \$950,000.

The source of funds shall be from the City of South Haven General Fund.

Moved by Gruber to approve Resolution 2013-63 a resolution authorizing the City Manager to purchase the properties at 552 Monroe Blvd., 556 Monroe Blvd., 560 Monroe Blvd., and 568 Monroe Blvd., incorporating Michigan Natural Resources Trust Fund Grant for acquisition of the land. Seconded by Kozlik Wall.

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

Motion carried.

- 9. City Council will be asked to consider the introduction of a zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven.**

*Background Information:* The City of South Haven Planning Commission has been working for the past year to develop the attached draft Corridor Overlay Zoning District for the I-196 Business Loop and M-43 corridor ("corridor") within the city limits. This effort

was prompted by recommendations and goals included in the 2011 Master Plan update (attached). 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 corridor through the City of South Haven, Michigan.

Overlay zoning creates a special zoning district, placed over existing zoning districts, which identify special provisions in addition to those in the underlying zone. The overlay district may share common boundaries with the underlying zone or cut across zone boundaries. Regulations attached to the overlay district are usually designed to protect a specific resource or guide development within a specific area. In this case, the city intends for the overlay zoning to protect residential neighborhoods adjacent to the nonresidential areas of the corridor and to standardize site amenities such as signage, landscaping and building setback requirements. Overlay zones typically provide for a higher level of regulations than the underlying zone such as landscaping and screening between uses, but may also be used to permit less restrictive standards such, as in this case, with less restrictive parking requirements.

This proposed ordinance does not and will not apply to any residences or residentially-zoned properties along the corridor.

The proposed ordinance does not have an immediate effect on any existing uses or properties along the corridor. The same businesses and activities permitted now will be permitted under the overlay zoning. The ordinance will only affect properties undergoing redevelopment or major modification. No changes will be required of any business now operating.

Public Involvement: A public open house was held on July 27, 2013 to provide information to all property owners affected by the amendment. Staff mailed 230 invitations to nonresidential properties within the corridor overlay area. Planning commissioners and the project consultant, Progressive Engineering, were available to answer questions from the public. While only five (5) property owners attended, staff felt the concerns of the attendees were addressed.

One inquiry was received from a resident unable to attend the open house. The resident requested that the planning commission discuss his concern and make a determination on his request. The concern involved the Honor Credit Union, located at 749 Phillips Street, which the resident wanted removed from the overlay zone. His concern was that including the property would encourage future expansion of the use or a replacement use which would be more disruptive to the neighborhood. The planning commissioners discussed the matter and determined "that the reasons given to take it out (of the overlay zone) are the very reasons it should not be taken out". By unanimous consensus, the commission members determined that no nonresidential property should be taken out of the proposed overlay zone.

A public hearing was held on September 5, 2013 after providing notice in accordance with the Michigan Zoning Enabling Act, 2006 PA 110, as amended, MCL 125.3101 *et seq.* (the "MZEA"), and the City of South Haven Zoning Ordinance Staff mailed notices to all the property owners included in the open house mailing as well as nonresidential owners within 300 feet of the corridor. There were no public comments offered at that hearing.

Prior to the public hearing, staff asked the city attorney to review the draft ordinance and provide comments to the staff. Modifications were made to the draft in accordance with the attorney comments.

**Public Comment:**

Don Beemis – Voiced his concern about the overlay district.

Mary Lynn Bugge – Spoke about the visual enhancements the overlay will create, and also better access for bikes and cars creating less traffic issues.

Moved by Fitzgibbon to approve the introduction of a zoning ordinance amendment for Corridor Overlay Zoning District for the I-196 Business Loop and M-43 within the city limits of South Haven. Seconded by Patterson.

Voted Yes: All. Motion Carried.

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

**11. City Manager's Comments**

**12. Mayor and Councilperson's Comments**

Klavins: No comment

Arnold: No comment

Patterson: Thanked the police for holding the home safety meeting.

Fitzgibbon: Spoke about leaf pick-up and to be safe on Halloween.

Gruber: Thanked the police and also the public for coming out for the home safety meeting.

Kozlik Wall: No comment

Burr: Synagogue was the backdrop in a movie early this morning.

**13. Adjourn**

Moved by Fitzgibbon to adjourn. Seconded by Gruber.

Voted Yes: All. Motion carried. Meeting adjourned at 7:48 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey  
Deputy City Clerk

Approved by City Council: **November 4, 2013**