

## Planning Commission

### Meeting Minutes Thursday, January 15, 2015 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: Heinig, Miles, Smith, Wall, Webb, Paull  
Absent: Frost, Peterson, Stimson

Motion by Heinig, second by Smith to excuse Frost, Peterson and Stimson.

All in favor. Motion carried.

#### 3. Approval of Agenda

Motion by Wall second by Heinig to approve the January 8, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

#### 4. Approval of Minutes – November 13, 2014

Motion by Heinig, second by Wall to approve the November 13, 2014 regular meeting minutes as corrected.

Page 3, Paragraph 3:

- Line 2: After the word circumstances add “How can we use this information?”
- Line 3: Replace the word Logarithm with “logarithmic formula.”
- Lines 4 and 6: Replace the word logarithm with “formula.”

All in favor. Motion carried.

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

There were none.

## 6. New Business - Public Hearing

**Webb Architects, representing O'Reilly Auto Parts of Springfield, MO, is requesting a special use permit in order to provide parking spaces over that which is required for their new store to be located at 369 Blue Star Highway. Zoning Ordinance Section 2406-6 requires 22 spaces for the store and the applicant is seeking to construct 35 spaces. The special use permit is required in Zoning Ordinance Section 2403-b.**

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

All in favor. Motion carried.

Anderson explained the regulation concerning the overlay corridor that requires a special use permit if people want to have more parking spaces than permitted. We decreased the parking required in the overlay from one (1) space per 150 square feet to 200 square feet. Parking spaces required under the overlay zone is actually seventeen (17). They're required to have seventeen (17) for the size store and they are proposing thirty-five (35). If not in overlay they would be required to have twenty-two (22) spaces minimum. One thing to consider, according to Anderson is if you look at the plan that shows their traffic maneuvering through the site, it goes over a couple of the parking spaces. Anderson noted that she asked the applicant about this; they explained that their deliveries are usually made in the night. Anderson's concern is that, in the future, if a different business goes in there that does not get their deliveries at night that could be a problem. Anderson added that the city does hope that O'Reilly will stay a very long time. With the request they still have eight (8) spaces more than they need to comply with the ordinance, but without the special use permit they would not be able to get their trucks in for deliveries. Anderson pointed out that they have planned a lot of landscaping along the front, which will break up that parking area very nicely. This is a compact store and a fairly compact parking area and, with the addition of the catch basins and extra landscaping, it does cut down on the usable lot area.

Aaron Hargrave, Civil Engineering: Regarding the special use, we submitted the traffic study. With the parking, O'Reilly's delivers to mechanics in the area, so we have spots in the parking area for those delivery vehicles. The parking area is broken up by the landscaping; we feel it is not a crazy request and history shows O'Reilly's can use the parking.

Smith: on page fifty-one (51) there is an electrical question regarding a guy-wire. Anderson stated that has been addressed.

Smith thanked O'Reilly's for improving this lot. There is a lot of elevation, I can look at the site plans and not really know. . . Anderson noted this is the special use request. Smith should wait for the site plan review to ask questions unrelated to the special use request.

Terry Taylor introduced himself and his dad, Don Taylor, who owns the house to the south of the O'Reilly's site. He stated that now that they have seen the landscaping plan, they are fine with that plan, but "Now we hear about delivery at night and that concerns us." Hargrave clarified that deliveries occur right after the store closes, around 9:00 to 10:00 p.m., not the middle of the night.

Taylor had questions regarding address difference which Anderson explained by noting that Taylor's property is in South Haven Township and the O'Reilly's lot is in the city.

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

All in favor. Motion carried.

Paull noted it's time to consider the question and make a decision if possible.

Heinig stated, "I think they've done a good job demonstrating this is their business model. I don't see, with the location, that this parking request will create any problems."

Motion by Heinig, second by Smith to approve the special use permit for parking request.

All in favor. Motion carried.

## **7. Other Business – Site Plan Review**

- a) Webb Architects, representing O'Reilly Auto Parts of Springfield, MO, has submitted plans for a new store at 369 Blue Star Highway. Review and approval of commercial plans by the planning commission is required under Zoning Ordinance Section 1401-1.**

Anderson commented that she talked to the city engineer who got the revised plans, they have made a lot of improvements; the engineer has no doubt the final plans will comply with all city codes. All of the city engineer's concerns have been addressed or will be shortly. Regarding the traffic study, O'Reilly's say they do not need a traffic study, and when considering the ordinance standards, they will not exceed the number of vehicle trips necessary to warrant a traffic study.

Anderson referred to the landscaping plan displayed on an easel; she colored in the landscaping so members can see how it actually looks. They are not really meeting the standard for the side that abuts the property of the neighbor that was here earlier. The applicant had reasons for not landscaping that, and you can decide how you feel about that.

The signage is not included on this plan, but that will be taken out under separate permits and will have to follow the requirements of the overlay zone.

Paull asked where the Knox box will be for the fire department. He does not see that on the revisions. The company representative stated that they will contact the fire marshal to find an agreeable location for the box. Anderson commented that O'Reilly's needs to let the building department know the location; that will be needed before an occupancy certificate is issued.

Regarding the traffic study there were no questions from the board.

Landscaping, particularly the south boundary between the people who were just here and the business:

Hargrave: Some existing trees will remain on the site. The demolition sheet says existing trees are to be removed or pruned at property lines. Wall says it is just being a good neighbor to leave at least every other one if the existing pine trees. Smith noted there is space between them; it is not like they form a solid wall. There is also to be a six (6) foot tall fence along the south property line; the trees are on the applicant's property. Wall requested some kind of verbiage or agreement to either leave the pine trees or replace them needs to be included in the final drawings.

Anderson reminded that the board may request a revised landscape plan and make that a condition of the approval.

Heinig asked about the monitor well noted on the plan. Need to find out who owns it, what they are monitoring and get a pre- and post-construction reading.

Smith wondered about at what elevation the building will sit and the elevations of the site. Hargrave said the building will sit up at the 60-something level sloping down to the road. There will be a flattened area where the building is. "That is quite a sloped site," Hargrave noted.

Anderson excused herself to retrieve a large plan from her office. Heinig noted that on the grading plan it is listed as an abandoned well, so it shouldn't be an issue.

Anderson added that she and the city engineer looked at the photometric for the lighting fixtures and it appears the exterior lighting will be in compliance with code requirements.

Motion by Smith, second by Wall to approve the site plan with the following conditions:

- Knox box location be determined and reported to the building inspector.
- Revised landscaping plan to indicate buffering shall be submitted to the zoning administrator.
- Sign off by city engineer on any remaining issues prior to any permit issuance.

All in favor. Motion carried.

b) Annual Report to City Council

Anderson explained that the Michigan Planning Enabling act requires the Planning Commission to make an annual report to the City Council stating all activities and decisions made in the prior year. Anderson noted that the format she has put the report in helps her look up things later. Anderson also makes note of the Zoning Board of Appeals actions. No action is needed, per Anderson, as this is just informational for City Council.

c) Dog Ordinance memo

Anderson stated that the board does not have to do anything with this and explained that staff was asked to review the ordinance due to an incident with a dog. A subcommittee met with the deputy police chief to go over what happened and to review the city code. It was decided by the subcommittee that the ordinance is adequate and everything was taken care of well. The subcommittee did have recommendations regarding redundancies or unclear language. Anderson took the subcommittee's recommendations to the City Manager, who

consulted the City Attorney. The City Attorney agreed with the recommendations of the subcommittee and has drafted amendments to the actual ordinance. The City Attorney not only approved the fine increase suggested by the subcommittee, he added the increase to the fine across the board, doubling fees all the way.

Anderson clarified that this is just another information item. City Council will be looking at the revised ordinance on Monday night and Anderson will be there to help answer questions.

Paull noted the pressure was to try to include reference to breed specific rules and regulations. "All of the research out there regarding breed specific laws indicates they don't work anyway." Paull believes a fair way to deal with dog problems are to deal with behavior rather than breed. It was noted that the ordinance does take into account the owner's actions.

#### **8. Commissioner Comments**

Paull: This is the first opportunity I've had to wish everyone a Happy New Year.

#### **9. Adjourn**

Motion by Heinig, second by Wall to adjourn at 7:40 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary