

Planning Commission

Regular Meeting Minutes Thursday, May 5, 2016 7:00 p.m., Council Chambers



City of South Haven

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

2. Roll Call

Present: Bill Fries, Dave Paull, Brian Peterson, Judi Stimson, Larry Heinig
Absent: John Frost, Clark Gruber, Steve Miles, Terri Webb

Motion by Paull, second by Stimson to excuse Frost, Gruber, Miles and Webb.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Stimson, second by Paull to approve the May 5, 2016 Regular Meeting Agenda as presented.

All in favor. Motion carried.

4. Election of Officers for 2016-17: Chair, Vice-chair and ZBA representative

Heinig opened the nominations for chair.

Motion by Stimson, second by Peterson to nominate Larry Heinig for chair.

Heinig asked for any other nominations for chair. There were none.

Motion by Stimson, second by Paull to close the nominations for chair.

All in favor. Motion carried.

Heinig opened the nominations for vice chair.

Motion by Stimson, second by Peterson to nominate Dave Paull for vice chair.

There were no other nominations.

Motion by Stimson, second by Fries to close the nominations for vice chair.

All in favor. Motion carried.

Heinig noted that the commissioners need to designate a representative to the Zoning Board of Appeals.

Motion by Fries, second by Paull to designate Judi Stimson as representative to the Zoning Board of Appeals.

All in favor. Motion carried.

5. Approval of Minutes – April 14, 2016 Regular Meeting

Motion by Stimson, second by Peterson to approve the April 14, 2016 Regular Meeting Minutes as written.

All in favor. Motion carried.

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

None at this time.

7. New Business

Discussion of the following draft ordinances and set public hearing date for June 2, 2016:

a) Nuisance Gathering Ordinance

Anderson explained this ordinance was put together while city was working on the rental ordinance; a companion piece that adds additional teeth to the regulations currently being considered. This is proposed to be added to the offenses portion of the city code. Nuisances include things like noise, public urination and drunkenness. The proposed ordinance also names the responsible person, who would receive the violation. This is fairly simple.

Motion by Paull, second by Stimson to set a public hearing for June 2, 2016 to discuss the Nuisance Gathering Ordinance as introduced.

All in favor. Motion carried.

b) Noise Ordinance

Anderson noted this addition to the existing ordinance identifies the individuals who would be responsible for the noise violation.

Motion by Stimson, second by Peterson to set June 2, 2016 for a public hearing to discuss the proposed addition to the existing Noise Ordinance.

All in favor. Motion carried.

c) Nonconforming Lots, Uses and Structures

Anderson noted Article 19 of the Zoning Ordinance addresses zoning issues with nonconformity for lots, uses and structures and explained that this is a very confusing section and difficult to interpret. This ordinance is one that the attorney and Anderson had worked on together during the early days of working on the rental ordinance and then work on the nonconformity section got put aside. The proposed changes are clearer and to the point, shorter and easier to interpret.

Motion by Stimson, second by Fries to present the proposed Nonconforming Lots, Uses and Structures Ordinance at a public hearing on June 2, 2016.

A member of the audience questioned why discussion was not happening, noting that the agenda says discussion of the draft ordinances.

Heinig explained that the board is discussing the setting of the public hearing at this time.

Stimson pointed out that the verbiage of these amendments is available on the website and asked, "Does the agenda not mean that discussion may occur between the commissioners?"

Anderson agreed, noting these are more housekeeping types of ordinances. We already have a nonconforming ordinance we could use, this is just clarification of that, explaining what you can and cannot do. Eventually, the city's goal is for nonconforming uses and structures to change to conformity.

Peterson asked whether the new wording is highlighted in the documents on the website. Stimson said what is being proposed is out there. Anderson explained that the proposed nonconforming language would repeal the current ordinance and replace it.

Heinig noted there is a motion on the floor and called for the vote.

All in favor. Motion carried.

8. Other Business – Prepare fee recommendation to City Council for residential parking in the CBD and identify lots suitable for long term parking.

Anderson explained that in 2011, the Planning Commission began working on different ways parking for residences downtown could be accommodated, noting this is not parking for condos, but solely for apartments in spaces above existing uses downtown. Currently the ordinance requires two (2) off street parking spaces and they too often just are not available. Anderson noted, "One goal in the Master Plan is to encourage residences above stores in the downtown which creates a more vibrant community. There are only four members still on the Planning Commission who worked on this ordinance. We looked at a number of different options and what other communities do, including requiring only one parking spot per unit or permit parking, which is what was finally decided would be the best approach. We worked with the attorney and drew up a

draft ordinance. We sent it to City Council and it didn't go any further. There is a lot of interest in this again. There has been grant money available for such dwellings, but we always ran into the same problem, we have the space; we have owners willing and wanting to fix up apartments, but no parking. This draft called for a parking permit program. It wouldn't guarantee a space but would allow you to park overnight in a downtown parking lot." Anderson explained that this draft ordinance is ready to send to City Council but the City Manager asked that the Planning Commission take two more steps. "One is to look at a fee and we have included a chart showing what other communities charge, which range from no charge to as high as \$360 per year for the parking permit. And if we are going to have certain lots that would be recommended for permit parking or specified lots where they would have to park, maybe requiring using the outlying lots as opposed to those downtown." Since only four of our current members worked on this, Anderson recommends having some work sessions; discuss the issues; understand the process; see if this remains the direction we want to be going.

Stimson asked if we know how many apartments or condos or whatever that need parking to which Anderson responded that our GIS person considered the downtown stores with upper vacant floors and mapped them out. Anderson noted that there were a tremendous number although not all owners are willing to develop their upper stories. One thought we had was to put a limit on this, first come first served, if everyone developed and we had no restrictions it could get out of hand very quickly. Anderson noted there are files of working papers which may be referenced.

Heinig asked if the Planning Commission is being asked to determine those numbers to which Anderson responded that there is probably interest in getting additional information. Peterson asked if cars are ticketed and towed out of city lots. Anderson said only during snowplowing season.

Discussion ensued about setting a time for subcommittee meetings. Anderson will send out a note to everyone and see who is interested in being on the subcommittee.

9. Commissioner Comments

Paull: Spoke about revisiting alternative energy development within the city where it would be possible and how we could encourage it.

Stimson: Thanked the commission for designating her as the Planning Commission representative to the Zoning Board of Appeals.

10. Adjourn

Motion by Paull, second by Stimson to adjourn at 7:26 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary