

# Planning Commission

## Regular Meeting Minutes Thursday, May 7, 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, Peterson, Smith, Stimson, Wall, Webb, Paull

Absent: Frost

Motion by Stimson, second by Wall to excuse Frost.

Also present: Linda Anderson, Zoning Administrator and Paul VandenBosch, Projects Manager/Assistant City Manager

### 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 – April 2, 2015

Motion by Heinig, second by Peterson to approve the April 2, 2015 regular meeting 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 – Public Hearing

- a) A continuation from March 2015 of the public hearing on Joe Wiltgen's special use permit to construct a planned shopping center on his property at 330 Blue Star Highway. The hearing is required because the proposed commercial center will have more than two (2) units. The applicant intends to demolish the building

**currently on the site and rebuild. This special use hearing is authorized in zoning section 802-1. The parcel number for the project is 80-53-552-016-01.**

Anderson reminded commissioners of Wiltgen's presence at the last meeting requesting a special use for his strip mall where the car wash now sits. This public hearing was continued to allow for variances to be determined and engineering issues to be resolved. Anderson noted that Wiltgen received the variances at the Zoning Board of Appeal's last meeting and engineering issues have mostly been resolved. Anderson asks that any approval be contingent on a letter from the city engineer stating the final engineering issues have been corrected.

Peterson asked the commission whether he should participate in the vote since he is helping design the proposed structure.

After discussion, motion by Wall, second by Smith to exclude Peterson from the discussion and the vote.

All in favor. Motion carried.

Motion by Wall, second by Miles to continue the public hearing.

All in favor. Motion carried.

No comments offered.

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

All in favor. Motion carried.

Heinig asked for clarification of whether the Zoning Board of Appeals granted both variances to which Anderson responded yes, that the applicant had amended the site plan so only two variances were required and those were granted unanimously by the Zoning Board.

Smith noted that if the issues are resolved he's good.

Webb asked if the lighting is one of the issues. Paull said there are requirements for night sky compliant lighting. Anderson confirmed that night sky compliant lighting will be verified before permits are issued.

Motion by Smith to approve the special use permit contingent on final approval by the city engineer. Second by Wall.

All in favor. Motion carried.

**b) A request from the Factory Condominium Association, 125 Elkenburg Street, and the City of South Haven to amend the approved planned unit development (PUD) to allow demolition of the former health club on the property. The parcel number for the project is 80-53-077-001-20.**

Anderson noted that there are representatives here to speak to this request and she will let them do their presentation. She reminded commissioners that any motion should be a recommendation to city council to amend the Factory Condominium Planned Unit Development.

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

VandenBosch noted that he represents the city and Factory Condominium for this application, adding that this used to be a factory called Belgravia. One thing that company did was use metal plating fluids and solvents to clean the metal before it was plated. Disposal was by use of a septic tank.

When the developer (of Factory Condominiums) came in and testing was done at the surface, there were issues but a plan was developed consisting of a rubber boot and ventilation system being installed to deal with vapor issues. However as time went on, testing was done deeper and deeper. While initial testing was fairly shallow, there were at least three (3) sessions of testing and as they went deeper to ten (10) to thirty (30) feet down a plume of Trichloroethylene (TCE) solvent was discovered. VandenBosch further explained that the plume is still there, and while a small amount has been removed, the plume has moved north and west and there is a hot spot just underneath the site of the septic tank.

VandenBosch explained that the city and condominium association have been working with the Department of Environmental Quality (DEQ) to bring in a process to heat up the solvent and capture the vapors. The city's role is to demolish the health club so the DEQ can assess the contamination. They have a memo of understanding and a number of other agreements that have been completed. The DEQ and the contractor working with the DEQ are here to give a more detailed presentation.

Paull asked, "Testing was done and some TCE was found but not the source of the contamination? Did no one know the tank was there; did they ignore it, was someone lied to?" VandenBosch responded that he does not believe the city, the developer or anyone involved knew that there was a septic tank that was used. Paull found that amazing. VandenBosch pointed out that once something is underground it is easy to not know it is there.

Stimson asked if the city residents will be informed when the actual work is going to be done. VandenBosch explained that the city was hoping to have a crowd here; the city did the required three hundred (300) foot mailing in hopes of public input. The DEQ has not yet started public input; there will be contact with the neighbors. VandenBosch noted that this is our first attempt, after city council Monday, to inform the public.

Ray Spaulding, DEQ Project Manager introduced himself.

Paull asked, "Are you not heating TCE to a volatile gas so you can then extract it from the ground?" Spaulding responded that the presentation they have will show how they are going to do that. "We tried to do this with the health club in place, but now with the demolition of the health club, we can proceed with the extraction." Spaulding noted that a trade contractor will be hired to do the work. Mr. Raetz is here to do a short presentation.

Richard Raetz, Global Remediation Technologies. Presented a slide show called "Thermal Remediation of Chlorinated Solvents" and noted he has been involved with this technology since 1994 and been involved with this project since 2004.

Raetz explained that this presentation shows a bit of what we discovered and the feasibility study showing the best option for this site. This is a fairly complicated project and involved several from our firm and input from three (3) or four (4) firms around the world that know this technology really well. Noted one company with which consultation was done was McMillan & McGee Corp.

Raetz oriented the commission to the site using an overhead screen, indicating streets and then providing a closer view of the health club area. "There are horizontal laterals underneath the concrete, and a shop vacuum type of extractor will be used to pull that contamination out." Another view showed the area underneath the building proper and Raetz indicated that the contractor will cut through near the Orchard area. Raetz also displayed a cross section of the area underneath the building, noting that this contamination is a sinker, rather than a floater, and has pushed about thirty-eight (38) feet into the clay.

Thermal remediation, as explained by Raetz, raises the temperature of the chemicals; the two liquids (chemicals and water) will come together and boil; the contractor will then extract the vapor and bring it to the surface. Electrodes will be placed in a triangular pattern; the current reaches across the ground to the grounding electrode and sweeps the contamination towards extraction wells, which pull up both liquid and vapor, which are then separated and treated. The water is treated and re-used in the process; the vapor is treated to reach the DEQ's standards for air quality. Raetz stated that this technology is beautiful for this clay soil; this process frees up contamination for recovery.

Raetz explained this process as being similar to shaking a can of Coke and popping the top; the pressure comes out as a gas. "We will be doing the same thing; making those chemicals want to come out of solution." A slide showing how thermal remediation works was displayed and Raetz explained in detail. "The idea is to use positive and negative electrodes; heat is generated; water temperature increases; solubility is created and the contaminants are extracted using vacuum technology."

Raetz indicated that this process will commence with about an eight (8) week construction project with equipment sited in the back yard of the condominium building. A vapor cap that holds in heat and helps extract vapors will be installed across the surface of the ground while extraction wells will be installed in the center and around the perimeter to draw out water and heat.

There will also be safety measures taken using electrical current along with the grounding electrodes. Technicians will go around the perimeter looking for stray current, wanting it to be less than seven (7) to nine (9) volts and wanting there to be nothing by the houses. Everything will be tested before starting and then the voltage will be slowly brought up; this process is run by a control panel that helps them watch the voltage and amperage for every well. There will be remote monitoring with shut down capability and a security system; this area will be closed off and gated. Everything is grounded in pods; all equipment will be housed in these pods.

Raetz indicated that since this is volatile we will monitor the perimeter soil gas. "Is there any concentration of chlorine solvents in the little area at the top of the ground?" We will monitor and track that. Having the floor gone will be terribly helpful in reaching what the industry calls the mother lode; there will be extraction systems running as well as the condo's extraction system they have always had.

Time wise this is not a quick process. Raetz noted it will take about eight (8) weeks to build; another eight (8) weeks to heat the ground up to get a temperature in a window you are looking for and a four (4) to six (6) month heating and extraction time. Then there is an eight (8) month contingency; once extraction is seventy percent (70%) complete, we will do testing. At the one hundred percent (100%) we will again do testing. Finally, it takes another eight (8) weeks to cool down; shut it down; do more testing and once there is a clean bill of health we give the contractor permission to demobilize.

Heinig asked how many years to get the site cleaned up to which Raetz responded that it is intended for six (6) months of active treatment; essentially plan for about a year, then after the treatment is done, we are taking the two million dollars (\$2M); going for the greatest mass and doing some monitoring for some years into the future.

Smith asked if this is ever going to be a habitable property or will just have to sit vacant. Raetz said the answer is yes; we are going to get rid of most caustic properties and then monitor it. Raetz noted that there are many sites in the state of Michigan that have residual; risk assessments can be done. Can it self-restore over years, decades or centuries? Raetz explained that getting rid of the heart of the contamination will drastically take care of issues and will help the residents in the area from long-term risk exposure.

Smith asked, "When we are all done, is it capped again at the end? And what about the westerly migration?" Raetz responded as far as capping, everything you see will be removed; one of the details of design is the thought of leaving a cap underneath the top soil, about two feet (2') in depth, so rainwater can't push down through. Regarding migration, Raetz explained that the bloom is moving slowly due to the density of the clay soil but there will still be some migration. There are cap sumps in place to conservatively protect the adjacent properties. Raetz elaborated that while it is very slow-moving it obviously has moved and expanded over decades.

Peterson asked if this was a historic structure could the contamination be extracted horizontally. Raetz explained that was looked into that but it is so much more expensive; is it conceivable? Yes. But the project got set aside because that amount of money wasn't available."

Paull noted to the commissioners that they are being asked to recommend to City Council that the condominium association demolish the building so this process can go forward. While there are pros and cons, since this is in a congested area, Paull feels there are mostly pros. Anderson reminded that the recommendation needs to be an amendment to the Planned Unit Development (PUD).

Motion by Smith to recommend that city council approve the amendment to the approved Planned Unit Development (PUD) to permit demolition of the former health club on the Factory Condominium property. Second by Wall.

All in favor. Motion carries.

Wall noted that the public hearing had not been closed; this was confirmed by scanning through the minutes.

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

All in favor. Motion carries.

The commission decided that the motion should be made again outside the public hearing.

Motion by Smith to recommend that city council approve the amendment to the approved Planned Unit Development (PUD) to allow demolition of the former health club on the Factory Condominium property. Second by Wall.

All in favor. Motion carries.

## 7. Other Business

### a) **Joe Wiltgen's request for site plan approval to construct a planned shopping center on his property at 330 Blue Star Highway**

It was noted that Commissioner Peterson again will abstain from discussion and vote.

Motion by Stimson to approve the site plan for the planned shopping center on Wiltgen's property at 330 Blue Star Hwy. Second by Wall.

All in favor. Motion carried.

### b) **Subcommittee report on proposed changes to the R1-C zone.**

Paull introduced this as something we were charged with by City Council to review as part of their 2015-2016 ordinance review goals. Anderson explained that council specifically targeted the R1-C zone as one of their objectives this year. The R1-C zone is Monroe Park, a very congested area with small setbacks, known for problems with run-off onto neighbor's properties and building on neighbor's properties. Anderson noted that the sub-committee has been working hard and will bring the rest of you up to speed on that. Once you are okay with the proposed amendments we will move into public hearing. Anderson noted that we want to do this in the summer so the summer people can be here.

Paull said part of dealing with this area is that it is very historic. When you start talking about it people get upset and do not want anyone to "mess with this". We have tried to come up with some ideas for this zone. The members of the sub-committee will present the results of our discussion.

Stimson: Health and Safety. We had the fire marshal come and talk to us about this. Some of the older structures are so close together that it creates a fire safety issue, not only for the people involved in the fire, with fire jumping from structure to structure, but also the safety of our fire fighters having to struggle with equipment between buildings. The low water pressure is another issue as the area was never intended for the density now seen. The fire chief is supportive of what we have suggested and we really need to do this to keep the people in that area and our fire fighters safe.

Peterson: Water run-off and pervious surfaces. Peterson distributed handouts about materials available. This may seem trivial compared with life safety, but with three foot (3') setbacks; small lots and buildings built to setbacks, what is not built on is a sidewalk or driveway of impervious materials. Rainwater, storm water and drainage are issues. Generally it is required that you cannot drain water from one property to another, so pervious hardscape materials would be something to suggest for new development. Dry laid pavers allow water through the cracks; grass pavers and pervious asphalt are all options which exist. These are small lots; it is not like the owners need to cover acres, the driveway and sidewalk would be a small part. Some of these materials are in use in the city already; near the Depot there is crushed granite. Flexi-stone, a pervious product that looks like a pile of rocks and is attractive, is another option and in use in the downtown around trees.

Heinig: Increasing setbacks. Noted that to increase the setback we could not decrease the buildable area; explained how the buildable area was determined and noted that from that we could add any width we wanted to. Heinig looked at four (4) foot; six (6) foot and eight (8) foot setbacks. The eight (8) foot setback allows firefighters to get a fire truck in there; it is close but it is the minimum recommended by the fire marshal. The same buildable size can be maintained. We are used to looking at thirty-five (35) to forty-five (45) percent lot coverage in city zoning districts. Monroe Park's soil is very permeable, so fifty percent (50%) lot coverage is being suggested for this area, which allows the homeowner to take care of his own run-off without irritating his neighbors, especially with the help of pervious pavers.

These suggestions/recommendations will be included in any recommendation we make.

Anderson added that Monroe Park was probably not meant to be filled with very large homes as it is; it was originally very small cottages. Lots are being split; houses are bigger and the water lines serving the area are so small it makes firefighting very difficult. The only other alternative is to install larger water lines, so if the suggestions noted are not something that people want to do, the city may need to look at assessments for better water lines. The fire chief said he just hopes every day there is not a fire in that area.

Webb asked whether when new homes are built they just tap into the existing lines to which Paull and Anderson responded yes. Webb asked if the city has been looking at this to which Anderson responded the city has considered putting in new water lines, especially if the real dense development continues; there would not be the water pressure to fight fires.

Stimson noted that the changes to the article are at the very end of your document, so you can see where the setbacks were changed and where we added the pervious surface requirement and what we've taken out.

Paull indicated that the commission does not need to vote but could instruct Linda to move forward. Consensus by the board is to do the public hearing in July, when more people will be here.

## **8. Commissioner Comments**

Miles; Thanked the businesses in town for being generous with the Blossomtime Float and parade.

Webb: No comment

Stimson: Really liked working with the sub-committees and is learning a lot.

Heinig: No comment

Peterson No comment

Smith: Thanks to the subcommittee

Wall: Happy Mother's Day to all the mothers out there.

Paull: Good meeting; learned a lot tonight.

## **9. Adjourn**

Motion by Heinig, second by Stimson to adjourn at 8:00 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary