

# Planning Commission

## Regular Meeting Minutes Thursday, November 5, 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: Frost, Gruber, Heinig, Smith, Stimson, Webb, Paull  
Absent: Miles, Peterson

Motion by Frost, second by Gruber to excuse Peterson and Miles.

All in favor. Motion carried.

### 3. Approval of Agenda

Motion by Smith, second by Stimson to approve the November 5, 2015 regular meeting agenda, reversing the order of items #5 & #6.

All in favor. Motion carried.

### 4. Approval of Minutes – October 1, 2015

Motion by Frost, second by Heinig to approve the October 1, 2015 regular meeting minutes as presented.

All in favor. Motion carried.

### 5. New Business – Site Plan Review

Woodham's Ford of 1111 La Grange Street is asking for site plan approval for renovations to their local dealership. This matter went before the ZBA seeking side yard and landscaping variances on October 26, 2015.

Anderson explained this is a site plan review for a very extensive renovation. The applicants went to the Zoning Board of Appeals for variances. The landscaping variance was approved; the side setback for a sign wall was not approved and since then Woodhams have adjusted their plan, still showing that wall but making a change to size and intrusion into the setback. The applicants are working with the city engineer and the

engineer from Abonmarche for a couple of items. Anderson has no problem with site plan approval contingent on the city engineer signing off on the items still under discussion.

In response to a query by Paull regarding the sign wall Anderson stated the sign wall is still part of the plan but does not extend as far.

Jeff Saylor, Vice-President, Abonmarche, 95 West Main, Benton Harbor: Described this project as the combining of two buildings, the vacant auto parts store at the intersection of Aylworth and LaGrange, and the existing showroom. This will include bridging the two structures with an addition; removing the front part of the auto parts store and the existing showroom; and adding a new unified façade to the front of the building. Other additions include convenient customer parking in front of the building; a defined traffic lane; defined walkways from the parking area to the front door and even a little landscape buffer between the building and the sidewalk. Saylor noted that the setbacks for each building will be changed with the exception of the existing south wall of the vacant auto parts store, which will be recycled to save money and be a little greener. Saylor described the final structure as “a more pleasant exterior for customers and for the city.”

Al Miller, Civil Engineer with Abonmarche, 95 West Main, Benton Harbor: Miller reviewed some questions and notes regarding the initial plan.

Grading: the front of the building is being reconstructed, as well as the drive on the west side of the building. The rest of the parking will get a mill and overlay, no real changes to the drives to the east, just new pavement. Positive drainage out to LaGrange; the islands will be turned back to green space with a little swale to try to capture the run-off to slow off what runs into the street; that was a requirement from MDOT.

Drives: there are currently four (4) drives. The north drive will remain the same; of the other three (3) drives, two (2) go away and one is refashioned so you can both pull in and pull out, but only turn right when you exit, also a MDOT requirement. In the revised cross section for the new pavement the mill and overlay was provided. Miller noted that he has not gotten any new comments from MDOT; the numbers Miller provided regarding drainage seem to have been accepted.

Parking: to the north side of the lot, the main parking area for the dealership is just getting refurbished pavement; no drainage patterns were changed there. Catch basins to the north, along the property line with McDonalds: both flow south to Aylworth but the green space between the north parking lot and McDonalds catches the majority of the runoff. Miller noted that he did not change anything to the north. Plans will be sent to the drain commissioner and if they have any comments, he will address those when the comments come back.

Roof drains for the new building: no change of any of the existing drain patterns on the existing stores while the new addition will drain to the west, continuing the flow pattern that exists now.

Floor drainage question: still to be addressed. As the interior work is done, if we have to, some kind of oil separator can be installed and taken out to the storm drains. Miller noted that it will not be known what kind of drainage exists until the construction is in progress.

Site lighting question: the concern was over-spillage onto LaGrange. Saylor interjected that the existing light poles will be re-used with new heads which will have adjustments so any spillage off the property will be controlled. The only pole lighting is around the car sales lot; that can be tweaked as the new heads are put in place. In response to a question by Paull regarding night-sky compliance, Saylor stated the new heads are dark sky compliant.

Angle parking: Miller noted the angle parking did not change but the curb area was pulled so a car coming in off Aylworth and driving around will not have cars sticking out into the driving lane. This area is designed for car display, not customer parking. The end spot to the west was left open as opposed to the original plans. Miller described the area as a large open spot, still protected, but trying to stay flexible so it could be used for new car delivery space.

Loading/unloading zones: added on the north side of both of the existing service garage and body shop where parts trucks will come in and drop parts off. Miller noted the loading/unloading zones will be signed appropriately.

Route of trucks through the site: has been added to the plans as well as the wheel outline of the car hauler that comes in so you can see that they have adequate room to maneuver and make it out the south drive.

ADA stripe marking: has been added for spaces out front, right in front of the new section of the building for the dealership in the center between the two buildings.

Thickness of concrete: because part of the new building will have doors on both sides, where you pull in to drop your car off for service a new detail has been included to show an apron, so it will hold up better even with the additional vehicle traffic.

Soil erosion/sedimentation: will be handled by the contractor, but if there are any questions from MDOT, Abonmarche will address those.

Paull asked who can address the Lincoln sign. After a brief discussion, Jeff Saylor stated that what is currently being proposed, as a result of last week's (ZBA) meeting, is the resizing of the wall from the original eight (8) foot nine (9) inches so the wall is not encroaching into the side area setback.

Gruber asked about sidewalks. Miller noted that sidewalk was discussed; however, he feels that at the present, it is something that needs to be done along the corridor all at the same time, so sidewalk is not being required of one and not the others at this time. Miller delineated where existing sidewalks currently are and areas where no sidewalk currently exists along Aylworth and LaGrange. Part of the problem with the issue of adding it along LaGrange is taking away the green space and that not only is there no sidewalk along there, there is also no crosswalk. Miller noted that MDOT has a future project to upgrade the signal at the intersection; maybe at that time there would be a possibility of adding pedestrian traffic across LaGrange. Miller thinks it should be included later in conjunction with the other properties without sidewalks. The water does drain into the MDOT right-of-way so that should be part of their scope also.

Smith commented that he likes the trees and that overall it is a very nice plan.

Motion by Frost to approve the proposed site plan contingent on satisfactory resolution of set back and landscaping issues and engineering. Second by Smith.

A roll call vote was taken:

Ayes: Gruber, Heinig, Smith, Stimson, Webb, Frost, Paull

Nays: None

Motion carried.

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

Paull noted that this portion of the agenda is a good opportunity, not a dialogue, for helpful and respectful comments. Paull also stated that each speaker will have a three-minute limit and “when you are gaveled, please stop and sit down.”

Elaine Herbert, 140 North Shore Drive. Spoke about her involvement in the city with Planning Commission and development of the Master Plan; the need for long-term solutions for the next generation; the importance of zoning to quality of life; the issue of the aging population; the need of realtors selling to families for residences; and registration fees for rentals which would pay for safety inspections. Referenced a referendum and Planning Commission doing the right thing.

Mike Niess, 509 Fruit Street. Spoke about his neighborhood having modest housing and a lot of second home ownership; did research from St. Joseph to Charlevoix and found that every community is going through these same issues; only South Haven and Traverse City do not license rentals and Traverse City forbids them in residential zones; need for rental registration; density is the real issue and some cities are dealing with density by percentage and some by geographical lines; without licensing the city has no mechanism to control the ordinances being talked about; revenue helps fund a compliance officer; licensing could accomplish a lot with a decent ordinance that is fair to all.

Gerald Webb. 508 North Shore Drive. Spoke about looking at data, facts and historical information and not relying on emotion to make decisions that will be regretted later; relying on law enforcement data, other communities’ experiences and housing values. Stated these are very important decisions for a community that is so concentrated on a tourism based economy. Spoke about not letting emotions drive behavior and decision making but supporting ideas with substance.

Bill Boersma, 703 St. Joseph Street. Spoke about living in a tourist town and the effects of noise, traffic and parking, proximity to Kids Corner and the blue stairs but the Woodhulls, by the Cass Street “hotel,” is much worse than my situation. Certain adjustments must be made in a tourist town, but not have something completely over the top.

Dorothy Appleyard, 806 Wilson Street. Spoke about planning and visioning and working on how to make our community grow for many years, always with the wish to preserve our neighborhoods; neighborhoods vary and there are places where rentals are appropriate and places where they are not; little legal control; focus on fairness in rates and charges when addressing this issue.

Sally Newton, lives in the township and works in town at 300 Kalamazoo Street. Manages Shores Vacation Rentals. Spoke about their professionally managed rentals hosting nine hundred (900) groups in 2015; many return year after year; there were no complaint calls to the rental management about any of the properties, no calls to police about any of the properties; no correlation between duration of stay and quality of guest; no correlation between size of the property and quality of guest. Spoke about these being single family homes used for vacation rentals when not used by owners; with single family or friend groups; none are hotels or resorts. Newton enumerated fire extinguishers; smoke alarms; carbon monoxide detectors; egress windows; twenty-four (24) hour staffing by two (2) in the city and two (2) in the township as safety measures. Spoke about prohibiting fireworks and smoking; immediately evicting guests if more people are on-site than stated in contract and stated Shores Vacation Rentals do not rent to singles under thirty (30). "We love our guests, they love South Haven; it is in our best interest to keep our town small and charming. Guests love that this is a real town; Shores employs the working people of South Haven, as do the bars, restaurants and lawn care services, among others. We are not against a rental ordinance if it is used to gather information about the rentals."

**7. Other Business – Set hearing date for proposed amendments to the first Articles of the Zoning Ordinance.**

Anderson spoke about the time spent working on Zoning Ordinance amendments and noted that next year the Master Plan will have to be reviewed. The board has received all the changes and summary of proposed text amendments. Most of this is housekeeping; definitions for uses and terms in the Zoning Ordinance. The Board of Appeals made interpretations of some definitions and the city attorney worked on some of the definitions.

Anderson talked about the height definitions. Currently we have a forty foot (40') height; then there is another measurement between eave and peak; and we also allow a half story. Looked at a lot of other ordinances and models from the state and propose lowering the height to thirty-five feet (35') and eliminating the half story which will make a difference in the scale of the houses. With the topographical changes that exist in the city we have to work from the median grade which makes some houses look like they are four (4) stories on one side and two (2) stories on the other side. Paull asked for clarification that with this change there will be two (2) stories with thirty-five (35') feet to the peak of the eave.

Anderson noted that single family residential units require two (2) off street parking spaces which cannot go over the sidewalk. With some of the large homes being built, we are looking at adding parking spaces for homes with a lot of bedrooms. Now the requirement will be two (2) off street spaces for four (4) or less bedrooms and one (1) additional space for each additional bedroom. Another suggestion is if there is a requirement for more than four (4) off-street parking spaces grass pavers or other pervious materials other than gravel.

Another major change, long overdue, in the current ordinance adult entertainment, which covers a large expanse of uses, was allowed in both the B-4 and Industrial zones. Due to nonexclusionary laws we need to allow these uses but we want to limit them to the Industrial zone. Anderson noted that we do not want adult entertainment out by Meijer's, Walmart, and other family businesses.

The rest is minor changes, clarifying and consolidating uses, such as group homes, family homes, daycare homes, etc. One other change is if you looked at the commercial zones, for example B-2 has a long list of what was allowed. We consolidated and came up with “retail uses” and instead of listing possible professional offices, we have “professional offices” with new definitions.

We also have new illustrations for stories and roof height.

Anderson would like to set a public hearing date for this so we can see how it is received and go back to the drawing board if necessary.

Paull did not recall five (5) bedrooms being the cut off. Gruber clarified that it was three (3) bedrooms as a baseline and then four (4) and up.

Gruber expressed confusion on the paver issue which Anderson explained, saying some lots are not very large. If they need to have eight (8) parking spaces, there will be run-off problems, so we want to make sure we have enough pervious surfaces so drainage will go down rather than running off on other properties or the street. After a question from Gruber, Anderson noted that there can be staff decisions and can be reviewed by the city engineer.

Heinig asked about our schedule. Anderson said City Council is anxious to get these moved along and really are interested in the reduced height, second story and additional parking. Council asked if they could schedule the meeting for November 23<sup>rd</sup>, the week of Thanksgiving. Otherwise, they would not meet until December 3<sup>rd</sup>.

Heinig asked if there were other issues to be reviewed at the next meeting to which Anderson said no. If we meet on the 23<sup>rd</sup> we will not meet on Dec. 3<sup>rd</sup>. Paull finds it unreasonable and he does not recommend a special mtg. Dec. 3 is plenty appropriate to get started. We do need a motion

Motion by Heinig to schedule the public hearing on zoning ordinance amendments on December 3<sup>rd</sup>. Second by Stimson.

All in favor. Motion carried.

## **8. Commissioner Comments**

Gruber: Spoke about the contribution planning commission and the sub-committee make to the city; City Council could not do it all without their assistance. Invited more to speak out with regard to rental regulation; the work ahead and his belief that we will see a new fair, balanced and enforceable rental ordinance presented to City Council which will lead South Haven into the future for its residents.

Heinig: Welcomed Gruber as a new member. Chair did a fine job, thanked the audience for their cooperation.

Smith: Encouraged the public to keep the comments coming because things do not change unless we hear from all of you. Times are good for change.

Stimson: No comment.

Webb: Spoke about hearing great ideas; encouraged keeping ideas coming our way.

Frost: Thoughts and prayers for the family of Devon Smiley.

Paull: Spoke about working on a rental ordinance to maintain the neighborhood integrity of this community.

## **9. Adjourn**

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

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary