

Planning Commission

Special Meeting Minutes Wednesday, November 13, 2015 11:00 a.m., Council Chambers



City of South Haven

1. Call to order by Paull at 10:00 am

2. Roll call

Present: Frost, Gruber, Heinig, Peterson, Smith, Stimson, Webb, Paull
Absent: Miles

Motion by Gruber, second by Peterson to excuse Miles.

All in favor. Motion carried.

3. Approval of Agenda

Motion by Heinig, second by Stimson to approve the November 13, 2015 Special Meeting Agenda as presented.

All in favor. Motion carried.

Paull stated that this is a special meeting being called for the Planning Commission to look at and possibly enact a recommendation to City Council regarding future building in the City of South Haven. This is a specifically limited and targeted piece of legislation designed to give the Planning Commission time to do its job.

Paul noted that we want to give everyone an opportunity, who wishes to, to address us and then the commission will sit and consider the legislation as a group and decide what to do. We are not making the decision; City Council will make the decision. Ours is a recommendation for the City Council to act.

Paull also stated that during the next portion of the agenda he expects people to be civil, respectful and the meeting to go smoothly. There will be no outbursts of approval such as applause or hooting and hollering. This will be an orderly meeting conducted quickly and as meaningfully as possible.

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

Paull noted that Linda Anderson, the Planning and Zoning Administrator, will read the names of those who signed up to address the commission in the order they signed in.

Ben Stegeman: Not at this time.

Brian Stegeman: Not at this time.

Susan Ryan, 37 Cass Street: Spoke about questions she has about the issuance of the permit at 51 Cass Street and conflict of interest between public and private interests.

David Fenske, 5 Pine Street: Spoke about the city having a disease which he called greed; overworked seasonal activity which collapses in the off season and effects business, residents and the hospital, due to inactivity in the other months and the need for a moratorium.

Steve Runkle, 16 Pine Street: Spoke about his concerns about a permit that was issued for a renovation of a single family home in his residential area and run off which would affect three properties if the pool overflows. Suggested that when a plan is looked at that the character of the neighborhood be considered.

Trish King: Not now.

Gerald Webb, 508 N Shore Drive: Expressed concern that there is confusion regarding what is a draw for full-time residents and what deters full-time residents; that the need for industry, manufacturing and schools does not come from taking away or deterring the number one industry in our town. Noted hearing conflicting messages about declining home values and homes not being affordable which he suggested requires further clarity as the issue is considered.

Dorothy Appleyard, 806 Wilson Street. Stated that she has comments based on the last Planning Commission Workshop that she will forgo at this time with assurance that there will be another time to do those comments.

Paull: After clarification of the question stated he is sure there will be future opportunities.

Appleyard (continued): Expressed a need for taking a breath and trying to do what is best for the entire community, not just one element of the community; reminded of the very minimal ordinance in the past that was unrestrictive that was repealed and that this is the time to take some action.

Susan Woodhull, 1000 Monroe Boulevard: Thanked the commission for taking the time on this topic; spoke about living next door to 41 Cass and not being able to express what it feels like to have this happen to our neighborhood; about the house at 41 Cass being a rental in the past but not on the scale this will be; about taking the time to make a plan that works for the whole city; about her property being devalued based on her surveying people about whether they would buy her property now.

John Matthews, 44 Cass Street: Spoke about reviewing the Master Plan for the city and finding that in the R1-A and R1-B the plans "seeks to maintain the charm of the city" as a residential area, not the charm of a commercial enterprise; about being amazed that city ordinances have allowed something like this; that when he was on City Council there

would have been nothing like this; the need to consider the feelings of the people; compared this formerly quiet side of town as being similar to a Las Vegas strip. Urged the commissioners to go into their hearts and look at what they want South Haven to be; to “do it right, look at places like Petoskey and Charlevoix”.

Pat Gaston, 97 Superior Street: Spoke about it being time to pause, take a breath, consider all aspects, all possibilities; recalled that when she was on the commission somebody needed a use permit to do manicures in their home but “we don’t need any permits for this.” Spoke about the only people who are opposed to taking a breath and thinking this over are those who have money at stake; that “we aren’t gaining anything monetarily, so we’re asking this for the rest.”

Trish King. Asked a question regarding the number of bedrooms and bathrooms at the Cass Street property.

Paull stated the commission is not considering anything to do with Cass Street.

Anderson stated that anyone can come into the building department any time and look at any plans of anything being built.

5. Commission Will be Voting on a Limited Residential Construction Moratorium.

Paull explained that the commission will be considering a piece of legislation in front of you, a recommendation to City Council, will ask Anderson to read it. Paull will make a statement; other commissioners may then make a statement.

Paull: “The commission is currently facing an onslaught of residential construction that is out of character for the community and as such needs to be addressed. We need to do this with deliberation and with some calmness and the particular reason for this request to City Council is to give us time to do that. This is not designed to be a statement against anything; I want to make that clear. We are not against anything; we want the opportunity to be able to deliberate to come up with some appropriate legislation for our neighborhoods.”

Anderson read the resolution as follows:

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF LARGE DWELLINGS

WHEREAS, a number of concerns have been raised regarding large dwellings in residential zoning districts that are rented on a short-term basis.

WHEREAS, the Planning Commission has undertaken a review and is preparing to make a recommendation to the City Council regarding potential ways to address these concerns.

WHEREAS, it would be in the best interest of the public health, safety, and general welfare to temporarily suspend the issuance of certain permits relating the construction of large dwellings.

Now, therefore, the Planning Commission resolves as follows:

A. The Planning Commission recommends that the City Council impose the following moratorium, to be in effect for 6 months:

MORATORIUM

1. Except as otherwise provided, the City shall not issue any zoning, building, or other permits or approvals relating to the construction or expansion of a single-family or two-family dwelling that, upon completion, will:
 - a. Be over 3,000 square feet in size including unfinished basement space;
 - b. Have more than 4 bedrooms, which means rooms intended for sleeping or placement of a bed; or
 - c. Have more than 3 toilets.
2. This moratorium shall not apply if the property owner:
 - a. Applies for and obtains site plan approval for the dwelling in accordance with the standards and procedures in Sections 1402 through 1407 of the Zoning Ordinance;
 - b. Certifies in writing that the dwelling will not be rented for a period of less than 90 days at one time; and
 - c. Certifies in writing the number of bedrooms and the intended purpose of other rooms that could conceivably be used as bedrooms.

B. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Anderson then noted that Section 1402 requires that a site plan be approved by Planning Commission and Section 1407 requires that all fees associated be paid.

Anderson reminded the commissioners that any motion they make should be made in the form of a recommendation to City Council.

Judi Stimson, in reference to 2b, asked if that intends that one person or one family can rent such a dwelling for ninety (90) days). Anderson said they would not be able to rent for less than a ninety (90) day period. Frost noted that Anderson added “at a time” to which Anderson clarified that Section 2b should include that the dwelling will not be rented for a period of less than ninety (90) days at one time.

Paull asked why it's limited to ninety (90) days to which Anderson responded that the Planning Commission could change that if that is their desire after discussion, noting that the city attorney recommended that time period and the commission can recommend something else.

Paull said the onslaught is of any length, short term, seasonal rentals. Paull's concern is to put a moratorium on that intent as well because that is the problem we are trying to resolve over the next six (6) months. Part of the problem is the intent of building for short term, less than ninety (90) days, seasonal rentals.

Frost asked where Paull is getting a reference to three (3) days, noting that certifying in writing isn't accomplishing what it is intended to accomplish. Frost stated that the certification needs to certify that you are not going to rent for a period of less than ninety (90) days. Frost also pointed out that If the house is sold, a new owner will not be bound by the certification.

Anderson added that at the end of six (6) months the moratorium has to be lifted and applicants will have to abide by whatever code has been adopted.

Smith asked if "c" is necessary if "b" is met to which Frost responded, that, yes, it would be all-inclusive. Anderson clarified that is a matter for discussion. Frost agreed, saying, "As written, yes, but it could be changed."

Peterson questioned whether, during the moratorium, anything being built goes to site plan review. Anderson responded that this moratorium does not affect any ongoing or commercial or industrial building. This only applies to the houses described in Section 1, those over three thousand (3,000) square feet in size, having more than four (4) bedrooms and more than three (3) toilets.

Paull noted that there is also legislation going before city council limiting building heights.

Peterson noted that he had an issue with 1a but 2a seems to take care of that. Anderson stated that was the point, the city could not legally stop all construction. Someone coming in to build a family house, a house for their family, could do so with approval by the Planning Commission.

Gruber stated that we are a commission of diverse individuals; "except for myself, who gets a huge salary as a City Council member," and expressed appreciation for the volunteerism and the effort taken by the commissioners to do what they do. Everybody has the ability to be heard and should have the right to vote. There are no conflicts of interest from anybody with what is before us right now.

Paull: Thanked Gruber for his statement, which Paull now does not have to make. Stated now is the time for commissioner comments. Asked if the commissioners are ready for the question and stated, upon no questions, that a motion is needed.

Motion by Gruber to recommend that City Council impose a moratorium on the issuance of permits for construction of large dwellings. Second by Frost.

Smith noted that he openly supports this; does not know that it is going to accomplish a lot, but it lets the discussion start.

Paull added that the moratorium allows the commission time to accomplish something without acting quickly to stop stuff coming down the pike. "Now we have breathing space to do it right. In six (6) months this legislation has got to be done right."

Stimson stated that she does not understand what Smith was concerned about to which Smith responded that this moratorium is not the solution, it just allows the discussion to start. Frost added this is the time to step back, take a breath and reflect.

Heinig wondered if anyone has asked the attorney about someone who bought a property and whether this will stop them. Anderson said yes, if someone has purchased a property and if it falls under the criteria of the moratorium, it will stop them. Heinig wonders what going to happen to those builders who have already invested in a site and do not have a permit as yet. Paull reiterated that they will have to wait. Heinig commented, "Or get their attorney to support them."

A roll call vote was taken.

Yeas: Frost, Gruber, Heinig, Peterson, Smith, Stimson, Webb, Paul

Nays: None

Abstain: None

Absent: Miles

Motion carried.

6. Adjourn

Motion by Smith, second by Stimson to adjourn at 10:42 a.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary