

Planning Commission

Regular Meeting Agenda Thursday, July 9, 2014 7:00 p.m., Council Chambers



City of South Haven

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes** – June 4, 2015
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business – Public Hearings**
 - a. Special use request from Gary Barner, of Barner Farms, South Haven, to operate a seasonal farm market at 615 Phillips Street.
 - b. Ellen Montenaro of Evanston, IL has requested a special use permit to create a second floor apartment at 319 Center Street. This property is in the Central Business District and will have retail uses on the main floor.
 - c. Public hearing on proposed amendments to the R1-C Zoning District regulations.
7. **Other Business – Discussion of animal ordinance**
8. **Commissioner Comments**
9. **Adjourn**

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator

Planning Commission

Regular Meeting Minutes Thursday, June 4, 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 Heinig, second by Stimson to excuse John Frost.

All in favor. Motion carried.

Point of order: Stimson asked for confirmation that members should say “yes” and “no” instead of “Yay” and “Nay” and “second” instead of “support.”

3. Approval of Agenda

Motion by Wall, second by Heinig to approve the agenda as presented.

All in favor. Motion carried.

4. Election of Officers 2015-2016

Paull explained two ways nominations could be made.

Motion by Stimson, second by Smith to retain the current chair, Dave Paull and the current vice-chair, Larry Heinig.

All in favor. Motion carried.

5. Approval of Minutes – May 7, 2015

Motion by Wall, second by Peterson to approve the May 7, 2015 minutes as written.

All in favor. Motion carried.

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DRAFT

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

Joe Wilkins, 11 Indiana Street. Spoke about his concerns regarding the city's dog ordinance.

7. New Business – Site Plan Review

a. Site plan review for reuse of industrial building located at 1400 Kalamazoo Street

Anderson: This is a reuse of an industrial building that has been used for boat storage in the off-season. Ben Brush, the applicant, is proposing to use this building for engine repair. He received a variance so he could have trucks drive into his building and through and out. The city engineer has no issues with the proposal. Anderson recommends the approval of the site plan; there are no outstanding issues and it is a good reuse of the property.

Paull noted the city appreciates the applicant bringing his business from the township into the city.

Motion by Smith, second by Stimson approve the site plan with the condition that the city engineer has no remaining issues with the plan.

All in favor. Motion carried.

b. Site plan review for reuse of commercial building at 237 Broadway (former Save-a-Lot)

Anderson: This property went before the Zoning Board of Appeals which granted the landscaping variance request and denied the parking variance. This property is in the B-2 General Business zone which requires parking based on square footage unlike the Central Business District (CBD). That application involved a brew pub and a restaurant. There was not enough parking. Since then, the proposed large restaurant dropped out of the application and the owner of the brew pub has decided to just put in the brew pub. The building will be divided up into usable floor area for the pub determined by what is permitted based on the existing parking, space for the large brewing equipment and a third area to age and store beer in kegs onsite instead of offsite as planned with the original request.

Regarding the landscaping variance, Anderson noted that the Zoning Board granted the requested landscaping variance allowing the applicant to omit landscaping from the front of the building which goes right up to the sidewalk. Other landscaping requirements have been met by the applicant.

Anderson also pointed out that this request does not need a special use or any variances and is a permitted use by right and she recommends that the request be approved.

Tim Woodhams, 1503 East Center, Portage, Michigan: Pointed out that this project has completely changed from what was originally proposed. "A much more intense use was presented last time; we are scaling back to just the brewery and tap room."

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Wall asked if the applicant has applied for a liquor license to which Woodhams responded that it is not a liquor license, it is a brewery license. "That process begins today if this is approved and takes over six (6) months."

After further questions by Wall about neighbor approval, Anderson explained that the Planning Commission cannot consider certain other aspects of the proposal because it is a permitted use. "We can only consider what we have control over and that is limited to zoning. Anything that may happen with other agencies at other times we are not concerned with."

Smith commented that it sounds like a good project.

Barry Fidelman, 220 Broadway, South Haven. Had questions about where delivery trucks are going to be pulling into that building and the density of the place because of the parking situation.

Woodhams responded that as a part of the city engineers review the old loading dock and drive on the south side next to the synagogue is being removed as part of the site plan. The truck traffic will go to the loading dock on the north side of the property. "Our usable floor area will be no more than supported by existing parking under the ordinance." Noted his brewer is excited to have the storage right on site for "sours" which are beers stored in large barrels and take six (6) or nine (9) months to a year to age.

Motion by Wall to recommend the approval of the reuse of the commercial building at 237 Broadway, as submitted. Second by Heinig.

All in favor. Motion carried.

8. Commissioner Comments

Peterson: Seems like we are having fun tonight.

Wall: Reminded that since this weekend is the car show, the farmer's market will be in the park in front of the parking lot instead of under the pavilion.

Heinig: Thanked the commission for the vote of confidence.

Smith: Nice to have new businesses come to town.

Paull: Thanked the commission for the vote of confidence to continue in this chair and for their good work.

There were no other commissioner comments.

9. Adjourn

Motion by Wall, second by Miles to adjourn at 7:27 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6a Seasonal Farm Market Special Use Request

City of South Haven

Background Information:

The applicant would like to operate a seasonal produce stand on the Family Dollar property. Vendors on private property are permitted to sell their own goods and produce for a period of up to two weeks, twice a year with a permit from the zoning administrator. Since this applicant is seeking to operate for a longer period, a special use permit under section 1510.13 is required.

Recommendation:

Staff recommends approval of the farm stand special use with the following conditions:

1. The setback for any tents or covers shall be at least 25 feet from the property line.
2. The area will be kept clear of all debris
3. Trash bins shall be provided but will need to be removed after hours
4. The stand shall be secured in the after hours.
5. Only one sandwich board sign is permitted on a property

Support Material:

Completed application
Case Summary

Respectfully submitted,
Linda Anderson
Zoning Administrator

SPECIAL USE PERMIT APPLICATION
CITY OF SOUTH HAVEN
BUILDING SERVICES DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

Date: 6/16/15 Applicant: BARNER FARMS LLC
Applicant Address: 65245 County Road 388 South Haven MI 49090
Applicant Phone Numbers: (269) 214-8828 cell (269) 637-1895 Home
Applicant e-mail: tearlyriser71@gmail.com
Subject Property Address: 615 Philips St (Family Dollar)
(A legal description and survey of the subject property is required to be submitted with this application.)
Zoning District: B-2
Type of Special Use Requested: Vegetable Stand
(A scaled site plan for the subject property is required to be submitted with this application.)
Special Use Section Number: 1510.13

Attach a list of the conditions for approval which apply to your request and comment on how your request will meet those standards:

Applicant shall respond to the general standards in Sec. 1502 below and comment on how the requested Special Use Permit will meet the standards:

General Standards - The Planning Commission shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall approve a special use permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The special land use shall not change the essential character of the surrounding area.
- c. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
- d. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
- e. The special land use is consistent with the intent of the Comprehensive Plan.
- f. The special land use shall meet the site plan review requirements of Article IV.
- g. The special land use shall conform with all applicable state and federal requirements for that use.
- h. The special land use shall conform with all standards in this Ordinance and other applicable City Ordinances, including but not limited to parking (see Article XVIII), signs (see Article XX), and standards particular to the special land use found in the District provisions, Schedule of Regulations, or elsewhere.

Applicant Signature Gay C. B... Date: 6/16/15

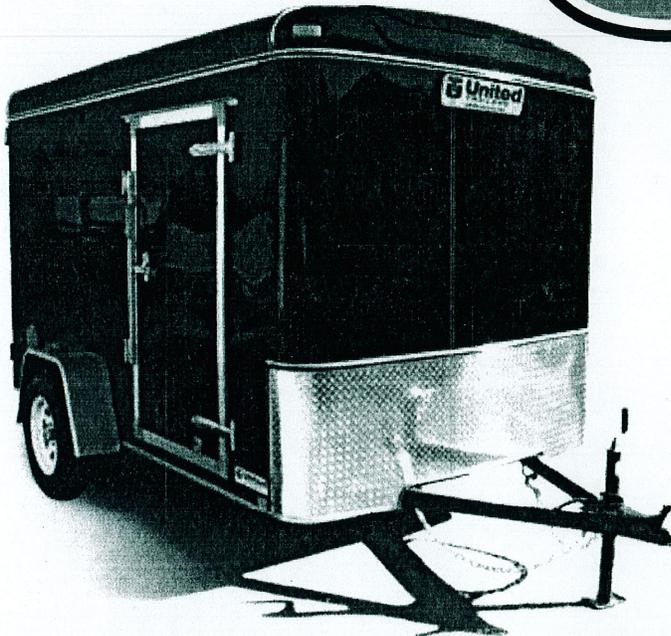
A FEE OF \$400.00 MUST BE SUBMITTED WITH COMPLETED APPLICATION.

"Stand" will be 14' tandem axle trailers (60
with a crank out awning mounted on the side.
Planning on taking the trailers home every night

Business hours will be Mon, Tuesday, Thursday, Friday
and Sunday 10-7. We will be closed on Wed
and Saturday.

Introducing the

ULH



By **United**
 TRAILERS

A *Real Trailer*
 at a *Real Value*

The ULH by United Trailers is perfect for the person who wants a quality-built trailer at an unbeatable value. The ULH is loaded with impressive features such as .030 aluminum exterior, 3/8" plywood interior walls, TSR vents and 12 volt dome light with switch. When you want exceptional value, look no further than the ULH.

STANDARD FEATURES

- 24" Aluminum Stone Guard
- Steel Unibody Construction
- Approximate 5' Interior Height (5' x 8' model)
- Approximate 6' Interior Height (6' and 7' wide)
- Approximate Exterior Width of 102" on 7' wide, 92" on 6' wide, and 80" on 5' wide
- Protective Undercoating
- 2" Coupler with Jack on Single Axle
- 2-5/16" Coupler with Jack on Tandem Axle
- Safety Chains
- Aluminum Fenders
- 4-Way Trailer Plug on 5' and 6' wide (no brakes)
- 7-Way Trailer Plug on Tandem Axle (electric brakes)
- Dexter 4" Drop Spring Axles with E-Z Lube Hubs
- Double Rear Doors
- 3/8" Plywood Interior Walls
- 24" On-Center Ceiling
- 24" On-Center Walls and Floor
- .030 Smooth Aluminum Exterior
- Fold Down Stabilizer Jacks
- 3/4" Plywood Floor
- 15" Bias Ply Tires
- 32" Bar Lock Door (6' and 7' wide only)
- Screwed Exterior
- TSR Vents
- 3" Tube Frame (5' and 6' wide)
- 4" Tube Frame (7' wide)
- (1) 12 Volt Dome Light with Switch

Pricing

TRAILER WIDTH	TRAILER LENGTH	AXLES	SPRING AXLE	
			3000# w/Bias-Ply Tires	3500# w/Bias-Ply Tires
5'	8'	SA		-
6'	10'	SA		
6'	12'	SA		
7'	14'	TA	-	
7'	16'	TA	-	

Additional Options

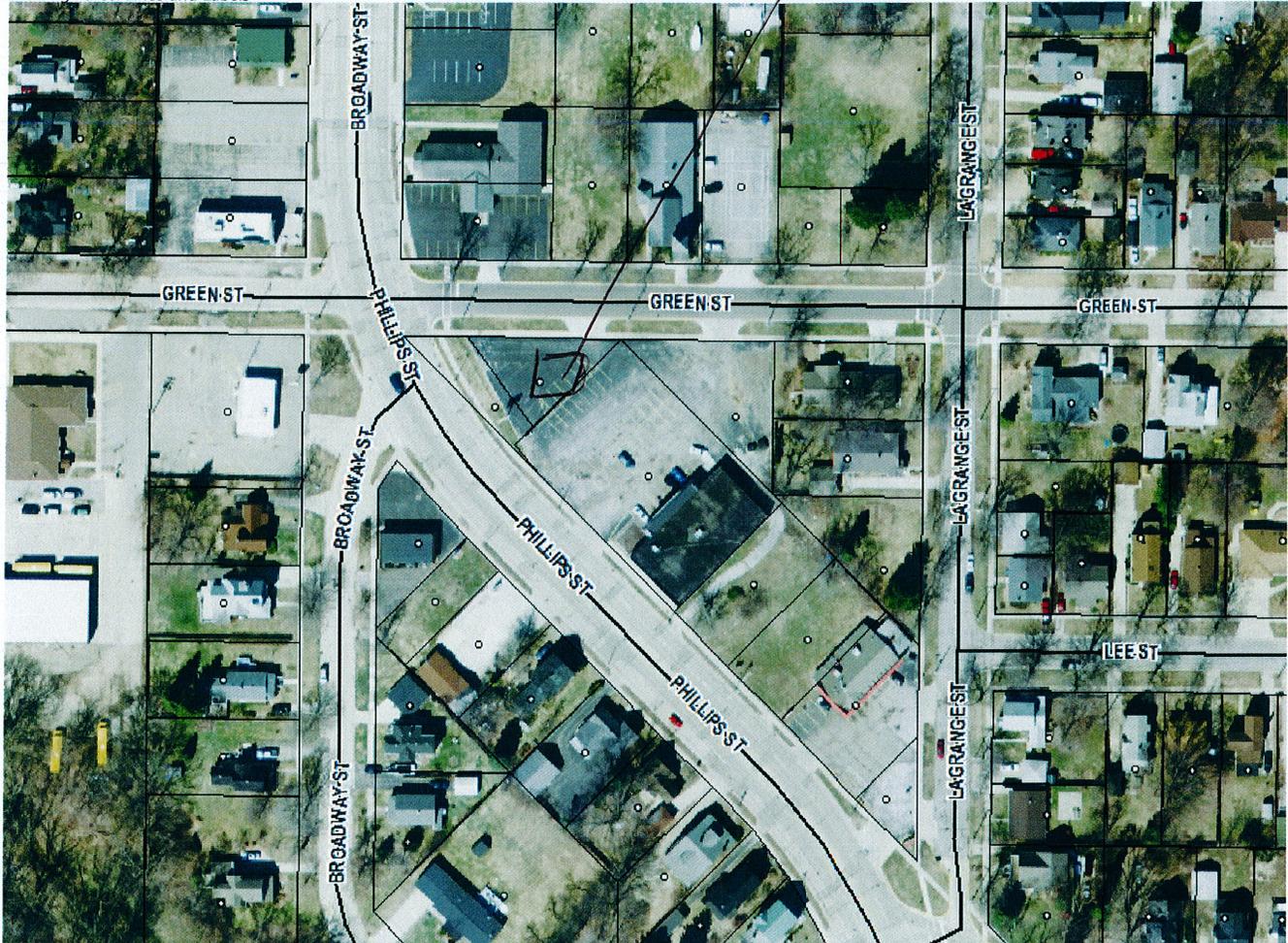
- Light Duty Ramp Door (No Flap)
- D Rings
- Rope Ties
- Extra Dome Light
- Radial Tires
- Roof Vent
- Tire Carrier
- Spare Tire (Bias)
- Atwood Coupler
- Snake Skin
- Aluminum Wheels (with Radial Tires)
- Salem Vents

Trailers may be shown with optional features. We reserve the right to change specifications at any time, without incurring obligation.

2011 ORTHO AERIAL MAPS

Showing Parcel Lines and Labels

Stand Location



2011 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2011. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

 150 US Feet
 2011 Digital Orthophotograph
 Municipal Name
 Municipal Border
 Railroads
 Public Roads
 Property Lines
 Subdivision Lines
 Condominiums Lines

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GENERAL INFORMATION

Case Number.....2015-0017 SLU

Date of Plan Commission.....07.09.2015

ApplicantGary Barner

RequestApplicant requests a seasonal farm stand in the B-2 zoning district. This request is supported by ordinance section 1510.13.

Location615 Phillips (Family Dollar site)

Parcel Number80-53-515-006-00

Size.....The sales will take place under a portable awning structure. The property is 0.9 acres in size (+/- 39,000 square feet)

Street Frontage262' on Green St; 200' on Phillips

Current ZoningB-2 General Business

Proposed Zoning.....No Change

Contiguous Zoning.....North: B-2 and R-1B Districts
South: B-2 District
East: R1-B District
West: B-2 District

Current Land Use.....Family Dollar store

Contiguous Land Uses.....North: Residential and commercial
South: Commercial
East: Residential
West: Commercial

Comp Plan DesignationCommercial

CHARACTER OF THE AREA

The Subject Property is located at 615 Phillips Street. This is a busy intersection with a mix of commercial and residential land uses. The character of the area is consistent with the current zoning and future land use classification in its general commercial use.

DEVELOPMENT PROPOSAL

The applicant would like to operate a seasonal produce stand on the same property as the Family Dollar store. Vendors on private property are permitted to sell their own goods for a period of up to two weeks, twice a year with a permit from the zoning administrator. Since this applicant is seeking to operate for a longer period, a special use permit under Section 1510.13 is required.

PUBLIC RESPONSE

N/A

EVALUATION

The following provisions of the Zoning Ordinance are followed by a statement (in italics) representing the status of the subject property as it relates to that provision.

Section 1510.13. FARM MARKETS

1. **Locational requirements** - Farm markets are permitted by special use permit on major thoroughfares in the B-2, B-4 and CBD districts for the sale of produce, fruit and farm products only.
2. **Site requirements**
 - a. Minimum lot size of the district. In addition, it is permissible for a farm market to occupy a lot that has another use provided all requirements of this ordinance are met.
 - b. No activity or structure shall be located within twenty-five (25) feet of the public road right-of-way.
 - c. A minimum of six (6) spaces for off-street parking, outside of the public road right-of-way shall be required for the exclusive use of the farm market with additional spaces at the rate of one (1) space for each three-hundred (300) square feet of gross floor area (paving not required).
 - d. Suitable containers for rubbish shall be placed on the premises for public use.
 - e. A storage structure shall be permitted provided it does not exceed two hundred (200) square feet in area.
 - f. Farm markets shall be located no closer than one-hundred (100) feet from any lot line which abuts a residential zone or dwelling unit.
 - g. There shall be at least one access drive which shall be wide enough to accommodate two vehicles side-by-side.
3. **Buffering requirements**
 - a. Shall comply with requirements of section 1709.
 - b. The outdoor storage of trash or rubbish shall be screened in accordance with section 1709.
4. **Performance standards**
 - a. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.
 - b. Any structure used as a farm market shall not be more than one (1) story high unless it is an existing barn

The proposed market will be in the B-2 zoning district. The existing business on the property provides ample parking for the market. The property is large enough to allow the stand while complying with the required setback requirements. Trash containers will need to be provided but do not need to be screened if they are removed after hours. There is access provided for the use.

The hours proposed, 11:00 a.m. to 7:00 p.m. comply with ordinance requirements.

Screening may be waived given the seasonal nature of the proposed use.

Article XV (Section 1502, Basis of Determination):

1. **General standards** - the planning commission shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall approve a special use permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this ordinance:

A. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

This is a commercial property and the use will be seasonal. There should be no negative impact on the surrounding neighborhood provided the site is well maintained and free of debris.

B. The special land use shall not change the essential character of the surrounding area.

The subject property is a developed B-2 parcels. The nature of the proposed use is compatible with the B-2 character.

C. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.

There should be no harmful effects on the neighborhood as the use is only farm sales and will not produce dust, fumes or other irritants.

D. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.

None expected.

E. The special land use is consistent with the intent of the comprehensive plan.

It is a stated goal of the 2011 Master Plan to, "Embrace the agricultural community as a valuable local industry (examples: Farmer's market, farming supply stores, fruit and vegetable processing and cold storage, agricultural related festivals, spin off industries)" and to "Develop agricultural and historical tourism in the region, supporting farmers market, farm tours, farm stands."

This application helps further that goal.

- F. The special land use shall meet the site plan review requirements of Article IV.

The site plan is in keeping with the needs of this request.

- G. The special land use shall conform to all applicable state and federal requirements for that use.

The owner will need to show evidence of any such permits, if required.

- H. The special land use shall conform with all standards in this ordinance and other applicable city ordinances, including but not limited to parking (see Article XVIII), signs (see Article XX), and standards particular to the special land use found in the district provisions, schedule of regulations, or elsewhere.

All such provisions will be in compliance with some minor site plan additions or changes.

RECOMMENDATION

Staff recommends approval of the farm stand special use with the following conditions:

1. The setback for any tents or covers shall be at least 25 feet from the property line.
2. The area will be kept clear of all debris
3. Trash bins shall be provided but will need to be removed after hours
4. The stand shall be secured in the after hours.
5. Only one sandwich board sign is permitted



Agenda Item #6b Second Floor Residence in the CBD Special Use Request

City of South Haven

Background Information:

Applicant requests a special use permit to have an apartment on the second floor of a retail business in the CBD. Onsite private parking is not required when only one residential unit is proposed. This request is supported by ordinance section 601.16.

Recommendation:

Staff recommends approval of the special use permit with the condition that the building code for residential units is in compliance as determined by the city building official.

Support Material:

Completed application
Proposed floor plan
Case Summary

Respectfully submitted,
Linda Anderson
Zoning Administrator

SPECIAL USE PERMIT APPLICATION
CITY OF SOUTH HAVEN
BUILDING SERVICES DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

Date: 6/16/2015 Applicant: ELLEN MONTANARO

Applicant Address: 1515 WILDER ST., EVANSTON, IL 60202

Applicant Phone Numbers: 847 372 8653

Applicant e-mail: ellen.montanaro@gmail.com

Subject Property Address: 319 CENTER ST.
(A legal description and survey of the subject property is required to be submitted with this application.)

Zoning District: CBD

Type of Special Use Requested: 2nd FLOOR APARTMENT
(A scaled site plan for the subject property is required to be submitted with this application.)

Special Use Section Number: 601-16

Attach a list of the conditions for approval which apply to your request and comment on how your request will meet those standards:

Applicant shall respond to the general standards in Sec. 1502 below and comment on how the requested Special Use Permit will meet the standards:

General Standards - The Planning Commission shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall approve a special use permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The special land use shall not change the essential character of the surrounding area.
- c. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
- d. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
- e. The special land use is consistent with the intent of the Comprehensive Plan.
- f. The special land use shall meet the site plan review requirements of Article IV.
- g. The special land use shall conform with all applicable state and federal requirements for that use.
- h. The special land use shall conform with all standards in this Ordinance and other applicable City Ordinances, including but not limited to parking (see Article XVIII), signs (see Article XX), and standards particular to the special land use found in the District provisions, Schedule of Regulations, or elsewhere.

Applicant Signature Ellen Montanaro Date: 6/16/2015

A FEE OF \$400.00 MUST BE SUBMITTED WITH COMPLETED APPLICATION.

2011 ORTHO AERIAL MAPS

Showing Parcel Lines and Labels



2011 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2011. The 'best resolution' of these images is 0.5 feet per pixel.

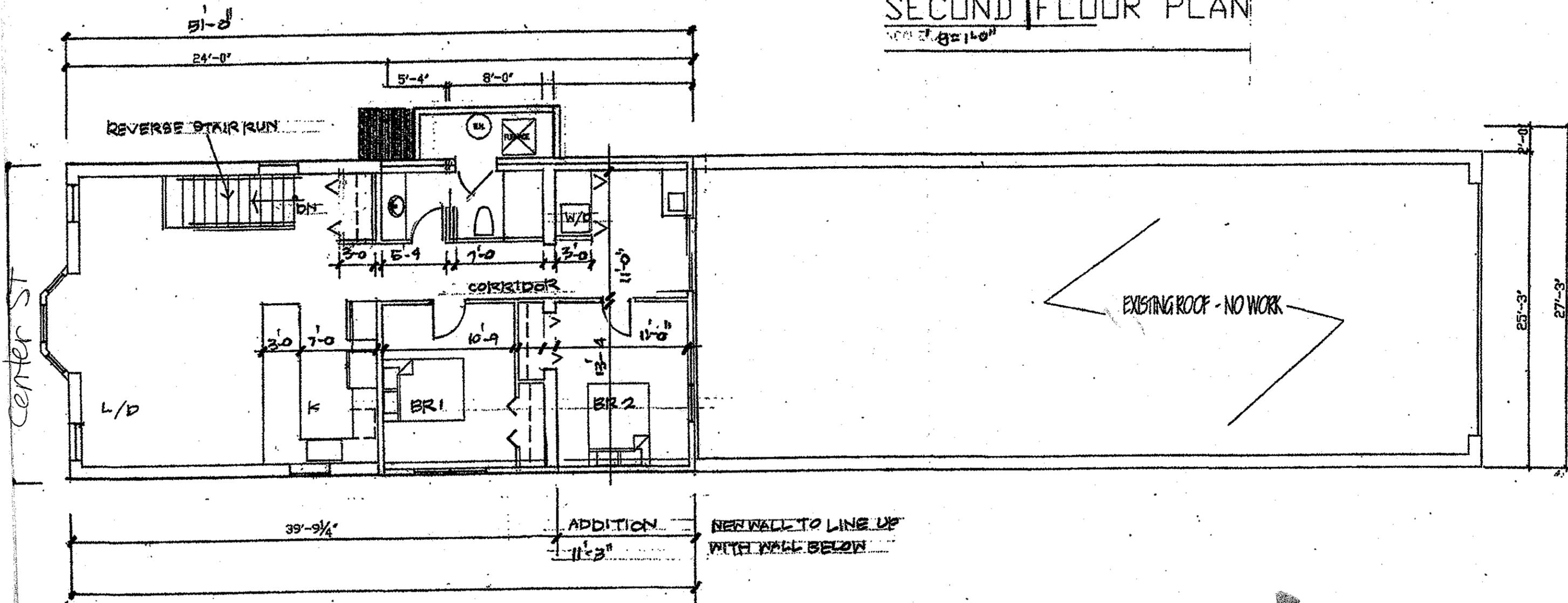
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- North
- 60 US Feet
- 2011 Digital Orthophotograph
- Municipal Name
- Municipal Border
- Railroads
- Public Roads
- Property Lines
- Subdivision Lines
- Condominiums Lines

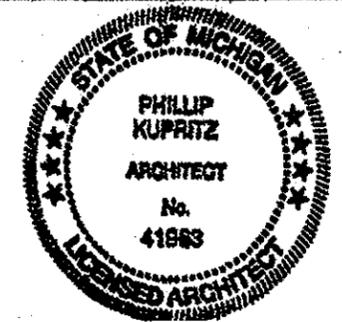
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1. IF ANY NOTE CONFLICTS WITH ANY DETAIL OR NOTE ON THE PLANS OR IN THE SPECIFICATIONS, NOTIFY THE DESIGNER FOR CLARIFICATION.
2. THE STRUCTURAL DRAWINGS ARE FOR THE PLACEMENT AND SIZE OF STRUCTURAL COMPONENTS ONLY. OSHA, DMR AND SAFETY CODE REQUIREMENTS ARE DETERMINED AND PROVIDED BY OTHERS. THE DESIGNER IS NOT RESPONSIBLE FOR JOBSITE SAFETY.
3. THE STRUCTURE IS DESIGNED TO BE SELF SUPPORTING AND STABLE AFTER IT IS FULLY COMPLETED. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE AND TO ENSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION. THIS INCLUDES THE ADDITION OF TEMPORARY BRACING, GUYS OR TIE DOWNS IF NECESSARY AND BRACING EXCAVATIONS TO PREVENT CAVING IN. SUCH MATERIAL SHALL REMAIN THE CONTRACTOR'S PROPERTY AFTER COMPLETION OF THE PROJECT.
4. USE OF ENGINEERING DRAWINGS AS ERECTION DRAWINGS BY THE CONTRACTOR IS STRICTLY PROHIBITED.
5. ANY QUESTIONABLY PLACED ITEMS SUCH AS MISALIGNED ANCHOR BOLTS OFF-CENTER BEARING PLATES, ETC. SHALL BE BROUGHT TO THE ATTENTION OF THE GENERAL CONTRACTOR IMMEDIATELY FOR REVIEW.
6. ALTHOUGH EVERY ATTEMPT HAS BEEN MADE TO COVER ALL POSSIBLE CONDITIONS, THERE MAY BE CONDITIONS THAT WERE NOT DETAILED. SUCH CONDITIONS ARE TO BE OF SAME NATURE AS SIMILAR CONDITIONS. IF THERE IS ANY QUESTION, NOTIFY THE GENERAL CONTRACTOR IMMEDIATELY.
7. MATERIAL PROPERTIES AND METHODS OF CONNECTION SHALL BE AS OUTLINED IN THESE NOTES AND ON THE CONSTRUCTION DOCUMENTS. ANY DEVIATION FROM OR SUBSTITUTIONS FOR THESE PROPERTIES AND/OR METHODS OF CONNECTION SHALL BE VERIFIED WITH THE DESIGNER. ANY SUCH MATTER THAT HAS NOT BEEN APPROVED IN WRITING IS THE RESPONSIBILITY OF THE CONTRACTOR.

SECOND FLOOR PLAN



319 CENTER ST.
 SOUTH HAVEN, MI.



K2 STUDIO
 329 W. 18th St., CHICAGO IL 60616
 P. 419 972 8388, E. CHICAGO@K2STUDIO.COM



GENERAL INFORMATION

Case Number.....2015-0016 SLU

Date of Plan Commission.....07.09.2015

Applicant Ellen Montenero

Request Applicant requests a special use permit to have an apartment on the second floor of a retail business in the CBD. This request is supported by ordinance section 601.16.

Location 319 Center Street

Parcel Number 80-53-503-004-00

Size.....3,078 sq. ft. +/-

Street Frontage Approx. 27 feet on Center St.

Current Zoning CBD Central Business District

Proposed Zoning..... No Change

Contiguous Zoning..... North: CBD
South: CBD
East: CBD
West: CBD

Current Land Use..... Vacant commercial

Contiguous Land Uses..... North: Commercial
South: Commercial
East: Commercial
West: Commercial

Comp Plan Designation Commercial

CHARACTER OF THE AREA

The Subject Property is in the downtown area. This is a busy neighborhood with a mix of commercial land uses. The character of the area is consistent with the current zoning and future land use classification in its general commercial use.

DEVELOPMENT PROPOSAL

The applicant has been remodeling the main floor of this structure to allow two retail businesses. This application seeks to allow a second story residential unit. Such uses are permitted with a special use permit.

PUBLIC RESPONSE

N/A

EVALUATION

The following provisions of the Zoning Ordinance are followed by a statement (in italics) representing the status of the subject property as it relates to that provision.

Article VI (Central Business District CBD)

16. Dwellings located above a permitted use when authorized as a special land use. In considering such authorization, the planning commission shall ensure conformance with the following standards and article xv:
 - a. Ingress and egress to the dwelling unit;
 - b. The availability of parking for tenants and guests. One (1) dwelling unit per lot is allowed above any permitted use without providing any parking space, while additional units require two (2) spaces per unit; and,
 - b. The impact on the building's exterior.

The ingress/egress for the residence is through a separate Center Street door from the businesses. The single unit proposed does not require additional off-street parking. There will be no exterior sign of the special use.

Article XV (Section 1502, Basis of Determination):

1. **General standards** - the planning commission shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall approve a special use permit application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this ordinance:
 - A. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

This is a commercial property and the alterations will be interior only. There should be no negative impact on the surrounding neighborhood.
 - B. The special land use shall not change the essential character of the surrounding area.

The subject property is a redeveloping CBD parcel. The nature of the proposed use is compatible with the downtown character.
 - C. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, materials or equipment which will

be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.

There should be no harmful effects on the neighborhood as the use is only residential will not produce dust, fumes or other irritants.

- D. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.

None expected.

- E. The special land use is consistent with the intent of the comprehensive plan.

It is a stated goal of the 2011 Master Plan to encourage better use of second stories in the CBD. The plan also recommends finding ways to make upper floor residences easier to develop. This application helps further the goal to keep the downtown active all year.

- F. The special land use shall meet the site plan review requirements of Article IV.

The site plan is adequate for the needs of this request.

- G. The special land use shall conform to all applicable state and federal requirements for that use.

The owner will need to show evidence of any such permits, if required.

- H. The special land use shall conform with all standards in this ordinance and other applicable city ordinances, including but not limited to parking (see Article XVIII), signs (see Article XX), and standards particular to the special land use found in the district provisions, schedule of regulations, or elsewhere.

This application is in compliance with ordinance requirements.

RECOMMENDATION

Staff recommends approval of the special use permit contingent on the approval of the construction plans by the city building official.



Agenda Item #6c Proposed Amendments to the R1-C Zoning District

City of South Haven

Background Information:

In order to further one of their 2015-2016 goals, the city council asked the planning commission to review the requirements of the R1-C zoning district. The concern of the council was that the R1-C area (also known as Historic Monroe Park) was becoming overbuilt for the lot sizes and the distance between structures was inadequate.

The zoning subcommittee of the planning commission began work on this project in February of 2015. The committee met four times to work on this task including one meeting with the city fire marshal, Tony Marsala. During that meeting the committee was informed of the challenges that would face the emergency services department if there should ever be a fire or other emergency in this district. Because the buildings are so close together and access areas are so narrow, it would be difficult for equipment and officers to access the emergency situations. In addition, the water supply to the area is much smaller than would be required as the system was laid for a different type of community than exists today.

The fire marshal recommended the building separation that is in the draft amendment. This setback led to a larger building lot size to allow adequate size for construction. A maximum lot coverage requirement was added to prevent further drainage and runoff issues in the neighborhood. The pervious surface requirement was added as another method of limiting runoff onto neighboring properties.

On May 7, 2015 the proposed amendment was presented to the full planning commission for discussion. It was moved to send the amendment to public hearing in July when most residents of the R1-C zone would be able to attend. It was agreed that the proposed amendment would likely result in a number of variance requests for undersized lots but it was also agreed that the overbuilding in the area needed to be curtailed.

Recommendation:

Staff recommends that the planning commission listen carefully to comments received at the meeting. It is likely that additional public hearings will be required before final amendments are drafted.

Support Material:

Draft Amendment to Section 404

Aerial of Monroe Park
Historic Monroe Park Building Ages map
R1-C compliance with proposed lot sizes

Respectfully submitted,
Linda Anderson
Zoning Administrator

SECTION 404. R-1C AREA REQUIREMENTS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following yards, lot area, lot coverage requirements and other conditions are provided and maintained in connection with such building, structure, or enlargement.

1. **Front Yard** - There shall be a front yard of no less than ~~three (3)~~ **eight (8)** feet.
2. **Side Yard** - There shall be side yards of no less than ~~three (3)~~ **eight (8)** feet.
3. **Rear Yard** - There shall be a rear yard of no less than ~~three (3)~~ **eight (8)** feet
4. **Lot Area and Width** - The minimum lot area and width for all uses in this District, unless specified elsewhere, shall be ~~two thousand one hundred seventy-eight (2,178) and thirty-three (33) feet~~ **three thousand two hundred and eleven (3,211) square feet and forty-three (43) feet**, respectively.
5. **Lot Coverage** – The maximum lot coverage by impervious surfaces in this zone shall be **fifty percent (50%)**.
6. **Other Requirements** – Driveway, walkways or other such surfaces shall be constructed using grass pavers or other pervious surface.

SECTION 1904. RESTORATIONS AND REPAIRS (NON-CONFORMING STRUCTURES).

- ~~5. Notwithstanding the provisions of the foregoing, structures within the Monroe Park Subdivision (bounded by Avery Street on the north; North Shore Drive on the east; Lake Michigan on the west; and the Black River on the south) damaged or destroyed by fire, wind, or other calamity may be restored and the occupancy or use, as it existed at the time of such destruction, may be continued or resumed.~~



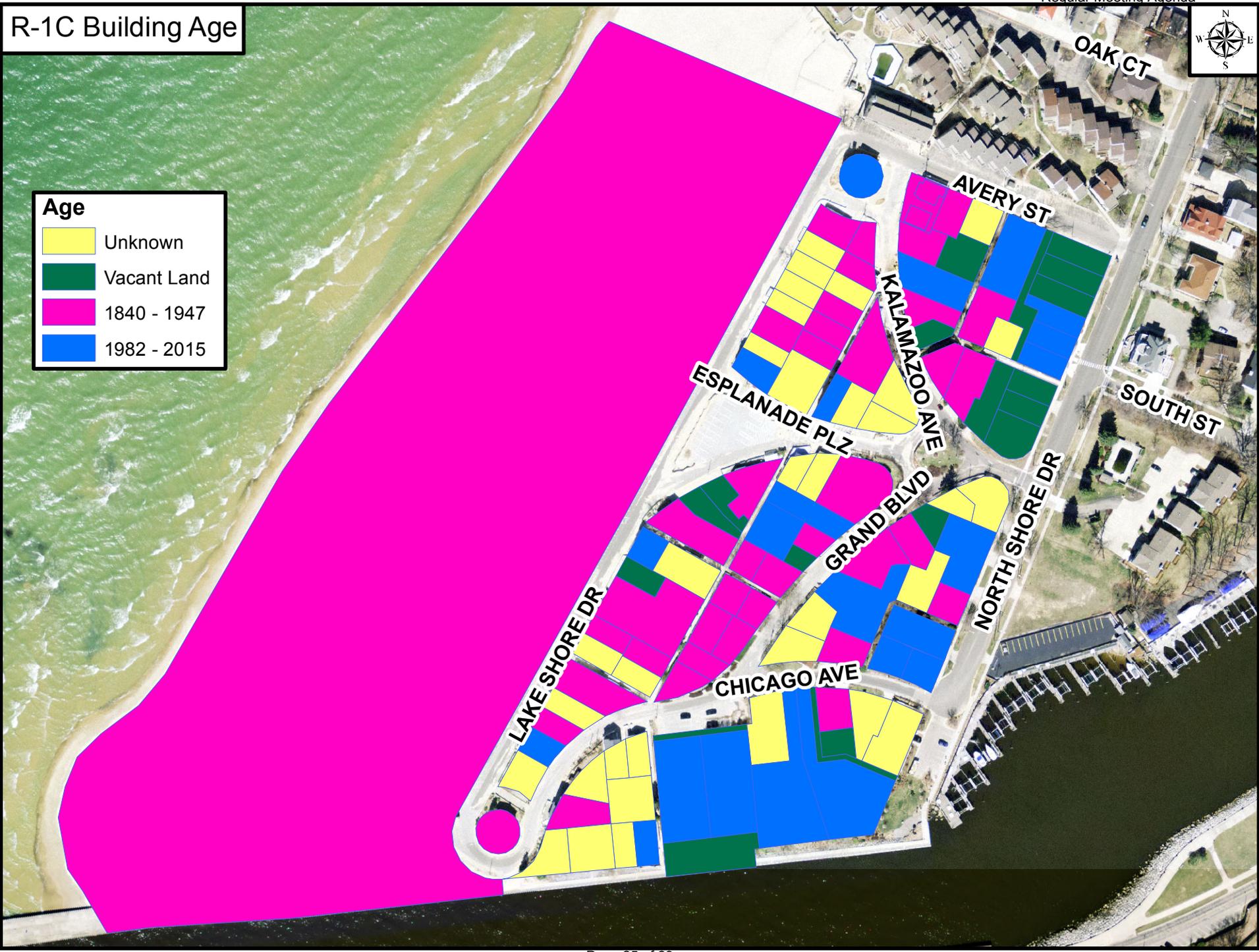
R-1C Zoning District





R-1C Building Age

Age	
Unknown	Yellow
Vacant Land	Green
1840 - 1947	Pink
1982 - 2015	Blue





R-1C Properties Compliance with 3,211 SQ Ft Proposed Minimum Lot Area

Meets Proposed Min. 3,211 SQ FT Lot

-  No (65%)
-  Yes (35%)

Excludes City Owned Properties





R-1C Properties Compliance with 43 Ft Proposed Minimum Lot Width

Meets 43' Ft Min. Lot Width

-  No (45.6%)
-  Yes (54.4%)

Excludes City Owned Properties





R-1C Properties Compliance with Proposed Minimum Lot Area of 3,211 SQ Ft & Proposed Minimum Lot Width of 43 Ft

Min SQFT / Min Lot Width

	No / No (42.1%)
	No / Yes (22.8%)
	Yes / No (3.5%)
	Yes / Yes (31.6%)

Excludes City Owned Properties





Agenda Item #7 Animal Control Ordinance Question

City of South Haven

Background Information:

City officials have received comments from concerned citizens regarding the recently adopted amendments to the animal control ordinance prompting the city manager to ask the planning commission to revisit the matter.

The City Code of Ordinances, Section 6-1, reads, *“Reasonable control of a dog means restraining the animal on a suitable leash in all places other than the property of the owner. A dog need not be leashed when on the property of the owner so long as the animal is kept under the oral control of the owner”*.

The city manager has asked that the planning commission consider an amendment that dogs be allowed to be outside of the owner’s house only if on a leash or if the lot is fenced. No dogs would be able to run free in an unfenced yard. The city manager has stated that the planning commissioner’s decision in this matter will stand.

Recommendation:

Staff recommends that the planning commission discuss this matter and determine if additional amendments to the city code are needed.

Respectfully submitted,
Linda Anderson
Zoning Administrator