

# Harbor Commission

## Regular Meeting Agenda

Tuesday, April 16, 2013  
5:30 p.m., City Hall Council Chambers  
South Haven City Hall



City of South Haven

### 1. Call to Order

Roll Call: Chairman Jeff Arnold, Vice-Chairman Mary Stephens, Fred Jeffers, Cathy Pyle, Alan Silverman, Daniel Strong, Greg Sullivan.

### 2. Approval of Agenda

### 3. Approval of Minutes: March 19, 2013 Meeting

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

### 5. Marina Reports

### 6. North Side Marina Report

### 7. Ramp Fee Petition

### 8. Dredging Update

North Side and South Side Dredging  
Dunkley Spoil Site Restrictive Covenant  
Black River Dredging Project

### 9. Nichols Landing Deck Extension, Special Use Permit

### 10. General Comments

### Member and Staff Comments

Adjourn

RESPECTFULLY SUBMITTED,  
Paul VandenBosch  
Secretary, Harbor Commission

# Harbor Commission

## Regular Meeting Minutes

Tuesday, March 19, 2013  
5:30 p.m., Conference Room B  
South Haven City Hall



City of South Haven

### 1. Call to Order by Arnold at 5:30 p.m.

Present: Jeffers, Pyle, Stephens, Strong, Sullivan, Arnold  
Absent: Silverman

Also present: Wendy Hochstedler, Finance Director; John Marple, Harbormaster

### 2. Approval of Agenda

Motion by Strong, second by Stephens to approve the Tuesday, March 19, 2013 Harbor Commission regular meeting agenda as with addition of item 8A.

All in favor. Motion carried.

### 3. Approval of Minutes: February 19, 2013 Meeting

Motion by Stephens, second by Jeffers to approve the February 19, 2013 Harbor Commission regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

### 5. Marina Reports

VandenBosch gave an overview of the Marina Reports.

Marple reported good sales of slips in the marinas; there has been an increase from last year in all marinas.

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Sullivan and Pyle inquired whether any record is being kept of where the boaters are coming from. Concerns were expressed by Marple regarding filling the South Marina and Black River Park slips.

## **6. Michigan Maritime Museum Dock Proposal**

VandenBosch introduced the Maritime Museum's proposal for joining the Museum dock to the City dock; the city attorney is working on legalities regarding who can do what in what area. During the following discussion several points were made regarding connecting the two areas such as possibilities for events on the dock with the view down the river. It was noted that there could be advantages to both the city and the museum. Discussion ensued regarding the fact that the City owns the dock and the Museum has a very long-term lease. VandenBosch pointed out that the procedure for approval of this project will include the Planning Commission and City Council weighing in and making recommendations.

After Strong and Jeffers expressed their discomfort with making any recommendation with so little information, the board decided they should wait to comment until they see more information regarding the proposal. Pyle expressed concerns with liability.

## **7. Budget and Strategic Plan**

VandenBosch reviewed the budgets, explained there will be more dredging costs than staff has budgeted for, but there will be money coming from the State to help cover it.

In reviewing the River Maintenance Fund VandenBosch explained that major capital projects make budgeting difficult.

The Strategic Plan was requested at the last meeting and was included in the agenda packet for the boards' reference.

## **8. Dredging Update**

### **North Side and South Side Dredging Dunkley Spoil Site Restrictive Covenant Black River Dredging Project**

VandenBosch updated the board regarding progress made toward dredging. Abonmarche is working on bid specifications. Bid documents will probably take three to five weeks; the projects will be advertised and it will take another three weeks to wait for bids to come in; and then presented to City Council. Staff is waiting for the Department of Environmental Quality (DEQ) dredging permit for the main channel and waiting for a grant.

A restrictive covenant from City Council for the North & South Side dredging was included in the packet. Staff is waiting for the DEQ, which has said the city should have a permit by this Friday; staff also needs the grant agreement but that is out of our control. VandenBosch is working with the city attorney and with Grow America to put together an agreement allowing Grow America to dredge private areas and use the city's spoils site.

Regarding the Dunkley spoil site, VandenBosch noted that while contamination numbers are not high they are above the DEQ's criteria, so the city is required to cap the site and does plan to do so.

Responding to a question, VandenBosch said, "The Black River Dredging Project includes the Black River Marina slips."

Pyle wondered about the launch tie-up area; "It seems to be where so many people get hung up." VandenBosch noted that the dredging will not go bank to bank but if we can afford it, the dredger will do more than just forty feet down the middle of the river. VandenBosch noted that soundings in the launch area have not been provided to the board because the motor on his boat bottoms out in that area.

Sullivan inquired whether the dredging includes cleaning out sediment ponds and pointed out that it seems sensible to start upriver and work downstream to dredge the channel. VandenBosch explained that while mechanical dredging may leave debris in the river hydraulic dredging does not.

There was discussion of the moratorium on dredging and how this will affect the city's dredging. VandenBosch is assuming dredging will be allowed to proceed during May and June; if not staff will be looking at September and October. The board discussed emergency dredging and getting some help from legislators.

After questions from Sullivan regarding private slip dredging, VandenBosch explained the process of dealing with the contamination and keeping those spoils separate so they can be totally removed. Grow American will be responsible for that. VandenBosch noted that the Dunkley area will be capped sometime between Memorial Day and June 30, depending on the weather and how fast the dewatering takes. VandenBosch responded to questions regarding the South Beach Army Corp. replenishment program.

#### **8a. Black River Park Improvements**

VandenBosch gave an overview of the proposal which he hopes will lead to a grant for a fish cleaning station and expanded parking for Black River Park and noted that a restroom might be included in a later phase. VandenBosch noted the reason the City has been successful at getting grants is due to getting a concept plan engineered and getting cost estimates.

Pyle asked whether this project would include the channel plans and other parts of the project that was before the Harbor Commission previously.

Motion by Pyle to recommend having the City Manager send this project to Abonmarche for design services. Second by Strong.

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All in favor. Motion carried.

## **9. General Comments**

There were none.

### **Member and Staff Comments**

Pyle: 1.) asked whether the docks have been put in at Black River Park and was told that the project is scheduled for next week. 2.) Requested an update on the bridge project and was promised that VandenBosch will send out an update. 3.) Wondered, since the fish cleaning station is so far out, whether the grinder could be switched out from the north side to the south side, since so much of the activity is on the south side to which VandenBosch responded that an electrician should look into that.

Stephens: requested the date of the spring safety meeting and was told it would be held on the third Tuesday in April.

Stephens: Upton found money for St. Joseph dredging from the Federal Waterway Fund and wondered if St. Joseph will get permission to dredge in May and June.

VandenBosch: reminded the board of the tour/workshop of the North Side facility this Friday at 4:00 p.m.

### **Adjourn**

Motion by Strong, second by Stephen to adjourn at 6:48 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



Marina Fund Revenue

Marina Fund Revenue  
As of March 31, 2013

Fiscal Year Ending in	Revenue	Operational	Net
Seasonal	Transient	Total	Expense
2002	234,236	161,984	396,220
2003	259,840	166,084	425,924
2004	280,151	167,907	448,058
2005	282,245	170,944	453,189
2006	300,819	173,817	474,636
2007	343,171	170,869	514,040
2008	368,408	168,362	536,770
2009	377,955	166,674	544,629
2010	350,635	161,584	512,219
2011	314,270	140,546	454,816
2012	330,660	151,046	481,706
2013	296,851	70,612	367,463

**NOTES ON OPERATIONAL EXPENSES:**

Operational Expense does not include depreciation of approximately \$88,000 per year.  
Operational Expenses do not include large construction expenses.  
Operational Expenses do not include the annual transfer to the River Maintenance Fund of approximately \$25,627 annually.

	Seasonal Marina Revenue												Calendar Year Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2007	58,007	147,702	34,975	42,960	23,115	-3,846	6,199	1,554	703	1,100	22,348	19,285	354,102
2008	60,795	185,520	32,325	36,210	19,130	16,761	820	50	0	6,550	26,799	900	385,860
2009	44,784	185,069	32,390	25,955	31,150	23,488	843	50	850	900	27,990	1,000	374,469
2010	13,035	218,460	41,530	20,235	5,050	20,692	0	434	350	200	29,812	1,000	350,798
2011	43,222	157,210	38,473	31,230	12,498	-158	800	1,950	400	1,100	17,625	8,865	313,215
2012	31,810	178,650	44,840	14,750	31,795	-1,925	0	200	1,050	3,940	11,420	850	317,380
2013	29,476	169,790	80,125										279,391

	Transient Marina Revenue												Calendar Year Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2007	0	0	0	8,528	11,494	39,340	56,647	48,986	10,983	1,553	-41	0	177,490
2008	0	0	0	11,657	8,957	29,620	53,315	53,501	11,385	630	0	0	169,065
2009	0	0	0	11,972	10,994	24,877	55,645	39,835	22,176	1,301	0	0	166,800
2010	0	0	0	8,445	9,029	25,154	52,730	40,107	8,654	1,299	0	0	145,418
2011	0	0	0	373	16,162	21,221	47,565	41,459	12,635	515	0	0	139,930
2012	0	0	0	4,684	12,448	31,740	40,344	21,935	4,392	0	-267	0	115,276
2013	0	706	3,502										4,208

City of South Haven  
 Black River Park Fund - Fund 545  
 For the period ended March 31, 2013

<i>Revenues:</i>	<i>Month Actual</i>	<i>YTD Actual</i>	<i>2012-13 Amended Budget</i>
State Grant	\$ - # \$	-	\$ -
Charges for Service	11,671	91,820	96,267
Interest and Rents	4,656	4,773	213
Other Revenue	-	86	59
<b>Total Revenues</b>	<b>\$ 16,327 # \$</b>	<b>\$ 96,679</b>	<b>\$ 96,539</b>

<i>Expenses:</i>	<i>Month Actual</i>	<i>YTD Actual</i>	<i>2012-13 Amended Budget</i>
Personnel Costs	\$ -	\$ 22,091	\$ 43,021
Supplies	-	399	3,400
Admin/Computing/Equipment Fees	2,042	18,381	24,508
Contractual Services	146	6,217	26,500
Utilities	604	6,676	7,702
Other Services and Charges	752	7,027	9,600
Repairs and Maintenance	-	3,222	9,000
Capital Outlay	-	-	-
Operating Transfers Out to 296	-	5,800	5,800
<b>Total Expenses</b>	<b>3,544</b>	<b>69,814</b>	<b>129,531</b>
Depreciation	-	-	46,000
<b>Total Expenses and Depreciation</b>	<b>\$ 3,544</b>	<b>\$ 69,814</b>	<b>\$ 175,531</b>

Net Fund Change	\$ 12,783	\$ 26,865	\$ (78,992)
Retained Earnings June 30		\$ 640,318	
Less Net Capital Assets		\$ (515,894)	
Net Undesignated Reserves		<b>\$ 124,424</b>	
Add Seasonal Rentals paid but not posted to income yet		<b>\$ 44,036</b>	
Deduct Expenses paid in advance, not posted to expense yet			
Add(Deduct) Amount due to/ from Beach, Rev earned but not in cash		<b>\$ (91)</b>	
Add Accounts Payable owed but not paid yet		<b>\$ 1,804</b>	
<b>Adjusted Undesignated Reserves</b>		<b>\$ 197,038</b>	
<b>Cash &amp; Investments Balance at month end</b>		<b>\$ 197,038</b>	
<b>Projected Cash Balance at Fiscal Year End (Depreciation is a NON-cash expense)</b>		<b>\$ 91,432</b>	

Black River Park Revenues

Black River Park Revenue  
As of March 31, 2013

Fiscal Year Ending	Seasonal Dock	Transient Dock	Boat Launch & Parking fees	Seasonal Launch Permit	Revenue Total	Operational Expense	Net Revenue
2007	84,563	9,480	42,544	10,471	147,058	90,412	56,646
2008	96,484	11,143	37,896	10,053	155,576	97,145	58,431
2009	93,239	9,240	37,261	11,922	151,662	99,992	51,670
2010	84,432	9,249	38,478	10,183	142,342	90,883	51,459
2011	66,393	8,658	42,038	3,859	120,948	113,430	7,518
2012	73,619	10,711	55,134	10,097	149,561	129,949	19,613
2013	45,555	7,114	37,381	1,430	91,480	69,814	21,667

Note: Operational Expense does not include depreciation of approximately \$46,000 per year.  
Operational Expenses do not include large construction expenses.

Transfer to River Maintenance Fund of approximately \$5,800 annually

Boat Launching & Parking Fees Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	1,289	4,160	7,725	13,459	7,941	5,917	1,808	0	0	42,299
2008	0	0	0	831	2,768	5,172	11,030	10,046	4,709	2,170	0	0	36,726
2009	0	0	0	370	3,378	5,558	10,738	7,704	8,311	812	0	0	36,871
2010	0	0	0	527	6,102	4,284	13,972	11,844	2,799	2,186	0	0	41,714
2011	0	0	0	126	4,301	6,870	19,145	10,345	7,373	1,221	0	0	49,381
2012	0	0	0	0	7,000	10,050	19,667	9,346	4,702	2,376	1,031	112	54,285
2013	56	0	91										147

Launching - Seasonal Permit Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	2,261	4,157	2,749	1,453	0	0	0	0	0	10,620
2008	0	0	0	1,885	3,743	2,972	1,620	0	0	0	0	0	10,220
2009	0	0	0	2,770	4,924	2,608	640	0	0	0	0	0	10,942
2010	0	0	0	1,370	7,158	1,015	1,546	0	75	0	0	150	11,314
2011	0	0	0	610	75	1,403	1,222	0	0	75	0	0	3,385
2012	0	0	0	600	6,620	1,580	1,200	0	0	-270	0	0	9,730
2013	0	100	400										500

Seasonal Dock Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	9,140	27,530	6,155	11,695	12,270	5,762	0	0	250	400	5,200	4,787	83,189
2008	7,940	45,315	9,400	11,905	12,675	-1,388	0	0	200	2,000	5,009	1,655	94,711
2009	6,865	41,215	7,085	9,125	4,990	15,095	0	0	0	0	5,000	0	89,375
2010	3,740	30,265	19,680	11,325	15,585	-1,163	1,650	0	0	0	4,650	2,369	88,101
2011	6,550	22,995	3,740	7,215	8,505	8,720	727	3,707	0	1,680	2,175	4,670	70,684
2012	3,995	20,485	9,585	6,440	18,500	1,655	3,745	0	0	600	2,000	200	67,205
2013	3,070	24,760	11,180										39,010

Transient Dock Revenue													Calendar Year
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007	0	0	0	169	1,303	1,986	3,988	2,672	984	0	0	0	11,102
2008	0	0	0	329	1,562	1,609	2,571	2,904	1,204	303	0	0	10,481
2009	0	0	0	0	483	1,776	2,444	3,796	1,332	0	0	0	9,831
2010	0	0	0	0	748	930	2,657	2,479	746	0	0	0	7,560
2011	0	0	0	0	818	1,958	4,492	2,190	1,181	23	0	0	10,662
2012	0	0	0	0	604	2,221	3,567	2,325	1,125	98	0	0	9,939
2013	0	0	0										0



U.S. Department of  
Homeland Security

United States  
Coast Guard



Officer In Charge  
U.S. Coast Guard  
Motor Lifeboat Station St. Joseph

127 N. Pier St  
St. Joseph, MI 49085  
Staff Symbol: OIC  
Phone: (269) 983-6114  
Fax: (269) 983-6194  
Email:

16750  
March 21, 2013

Dear Marine Resource Provider:

With summer fast approaching, the boating and beach going public is gearing up for a busy season. In anticipation of warmer weather, we want to take an opportunity to reach out to the public and provide them with a better idea of the services offered in our shared areas of responsibility.

Coast Guard Station St Joseph will host an "Open House" on May 18, in conjunction with National Safe Boating Week. Our goal is to give the boating public a better understanding of what our responsibilities, authorities and capabilities are. We often find a lack of knowledge among boaters regarding exactly what we do. Our hope is that this Open House will be a good opportunity for the public to come in and see what we are all about. Additionally, this will offer an opportunity to educate boaters about what is required for their boats, both federally and locally.

As an agency that has marine responsibilities, be it Law Enforcement, Search and Rescue, or Pier and Beach safety, I would like to invite you to participate in this event in whatever capacity you can offer. Your presence will greatly enhance this event and provide the public with a better understanding of the resources available to assist them in safely enjoying the amazing water resources that we all share.

Our plan is to have space in our parking lot and lawn area for each agency to set up a display booth if they desire. For the agencies that have boats or water craft, we will attempt to provide pier space, depending on interest and availability. The time frame will be 1000 – 1500, rain or shine.

If you are able to attend this event, please contact BM1 Steven Ruh at (269) 983-6114, email: [Steven.M.Ruh@uscg.mil](mailto:Steven.M.Ruh@uscg.mil). I will send out updated information as the Open House event gets closer.

Thank you for your time and your service. Please call me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Kane", with a long horizontal flourish extending to the right.

ADAM C. KANE  
Officer In Charge  
U.S. Coast Guard  
Motor Life Boat Station St Joseph

City of South Haven Municipal Marinas  
Seasonal Slip Availability

Available Slips							
	April 2013	March, 2013	January, 2013	November, 2012	October, 2012	April, 2012	
North Side Marina	16	18	21	21	24	35	
Museum Marina	5	5	7	8	9	13	
Black River Park Marina	19	22	24	25	25	27	
Occupied Slips							
	April 2013	March, 2013	January, 2013	November, 2012	October, 2012	April, 2012	Total Slips
North Side Marina	81	79	76	76	73	62	97
Museum Marina	25	25	23	22	21	17	30 (includes headwall)
Black River Park Marina	41	38	36	35	35	33	60
Seasonal Slip Occupancy							
	April 2013	March, 2013	January, 2013	November, 2012	October, 2012	April, 2012	
North Side Marina	84%	81%	78%	78%	75%	64%	
Museum Marina	83%	83%	77%	73%	70%	57%	
Black River Park Marina	68%	63%	60%	58%	58%	55%	

*March 7 2013*

JB,RB

Mayor Bob Burr

539 Phoenix Street

South Haven, MI 49090

Ramp Fee Petition

Dear Mr. Burr,

We the undersigned hereby petition you to consider our appeal to try a new approach on ramp fees. To recognize many who have been consument users for 20 years plus of your municipal facilities. The current posted sign posted near the employees hut states that the ramps were established in conjunction with the DNR and the city funds. Now in 2012/2013 we are faced with restrictions at the pay entrance with no working staff access to the ramps and the lower water levels is making it difficult to utilize your lake/river access. We fishers can and do endure a lot just to drop a line or to go boating. Over the years we brought many fishing partners to your city which includes family. As we grow older and we make do with fixed incomes in a struggling economy. With as much as the license fee's is reduced by the state does help some. However, We would like you to consider a one year experiment, Lower the fees for the pass card to the ramp at age 65 to a flat \$60 or \$65 from May to May. Let's see what the results are. It would be worth its effort financially and I know it will be a good effort in good will alone.

Thank You very much for your consideration,

**Robert Baker**  
54 Lincoln Ave  
South Haven MI 49090

Robert Baker

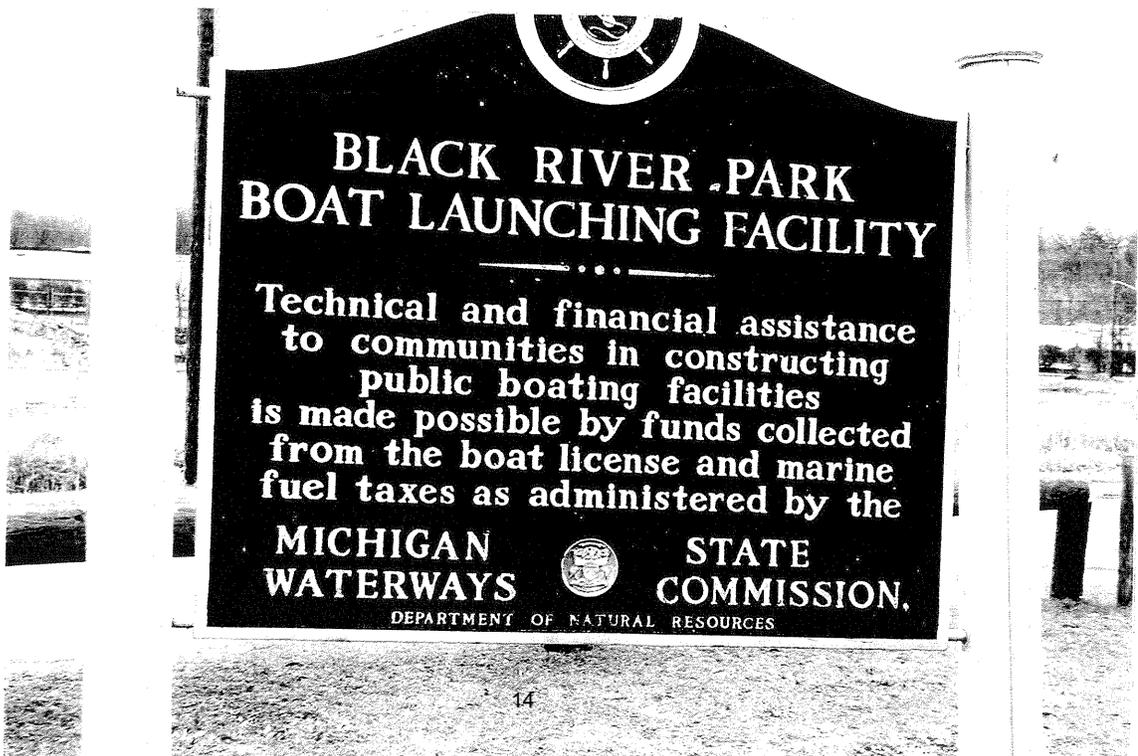
 269-217-8796

CC: Governor Snyder, DNR, City Council, South Haven Visitors Bureau

In contrast to the sign posted near the ramp touting the origins of this facility one can only speculate some issues that even our current governor states as truisms. He says that government is a provider of services but since this year's unmanned lockdown of your pay booth and subsequent issues such as no personal to attend the toll gate when it malfunctions and or the card we paid for last year still not working reflects a concern that no forethought or lack of planning left we fisher persons without deployed ramps, adequate toilets or even trash containers. This petition resulted from my conversations with long time fishers who wanted to know what was going on to cause such events and being a person taught to resolve issues rather than wonder. I invite you (Mr. Mayor) to talk to these people and see if you have the answers for them. I can be reached at 54 Lincoln ave South Haven, MI 49090 or by phone 269-214-8796.

Respectfully,

Bob Baker



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Frank A. Eim	269-720-1337
Wendy B	(312)-560-2893
Warren Jackson	269-767-2909
John [unclear]	
Jeff [unclear]	269-366-9918
Centric [unclear]	269-657-6715
W Van [unclear]	11 657-6197
Jon Isom	269-767-3225
Rand [unclear]	269-277-3038
Bob [unclear]	269-214-7865
Jerry [unclear]	269 429 7248
Mar [unclear]	269 767-1281
Jeff [unclear]	616-847-8035
[unclear]	
Wendy B	
David Young	269-637-5540
Victoria Henry	269-637-5540
Bennett [unclear]	263-637-1890
BS [unclear]	616-836-5055
Fred [unclear]	269-673-5852
Travis [unclear]	269-308-1512
Kyle Gallas	616-666-6376
Neil A Brown	269-637- <del>5453</del> 5453
Rusty [unclear]	616-340-9180
Chuck Shuman	269 214 0221
Russ Snothers	269 206 2472
MARK Johnson	269 823-9884
Kay Kyle	269 214-8188

March 7 2013

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AK

(616) 336-9359  
616-218-1015

Michelle  
Dwyer

269-377-4865

Santiago Jackson

269 788 4192

Lane E. Hildebrand

269-941-3653

Th. H. John

269 207 1541

Robert Britton

517 759 2865

Justin Spence

(269) 221-4931

ANTHONY HILL

269-214-0083  
11

Chuck Hill

Les Moorehead

269-637-1757

Ewert Koon

John Pera

Nicholas Kuss

James L. Stratton

Kent Constantini

313-513-9910

John Mackey

269-639-6005

RAY BOWKOWSKI

269 637 7434

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Tom Dailey - 269-236-5831  
Dick Burrows 269-637-3203

Laurence Burns - 269-637-5586

James Kasimo - 269-764-0585

Jonathan Olsen - 269-214-1395

Ray Allen 269-365-4238

Jay Powell - 269-207-2102

Scott Zimstrod 989-839-6565

~~\_\_\_\_\_~~ 269-544-0877

Michael Gould 269-254-3109

M. Billingsley 269-338-8603

R. Elu 269-364-8570

Charafittara 269-910-4454

John Lohr 269-447-3411

Kevin J. Bond 269-214-2431

Yang Jue 269-29-9085

Michelle 269-637-3544

Cynthia Seper 269-637-3544

Shahidif 269-637-6824

Stefraconi 269-767-2191

Kym Fleming 269-638-1600

Cornie Schaffer 269-637-6824<sup>17</sup>

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<del>Patricia Doulet</del>	616-560-4837
Steve Hill	214-6682
Tom Ervey	214-8258
Paul Marquard	<sup>614</sup> 462-7002
<del>Paul Ben</del>	847-736-4001
Amth Ben	269-358-0842
<del>Bob Long</del>	269-637-8363
Larry Retherford	269-427-1906
Pat Brown	269-637-1401
Tom Dept	269-637-1179
Earl Hansen	637-1497
John Compton	269-214-2014
Mary Kay	269-637-4415
Ernie Wiseman	637-6455
Ronald J. Goodrich	637-7383
Robert Long	236-5970
<del>Paul J.</del>	269-637-2046
Doug Pittman	269 637-6341

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Bruno Blachta	250 24 <sup>th</sup> St SH MI.	637-2931
Ron Naumann	6851 114 <sup>th</sup> Ave S. Haven MI	767-0391
Rhonda Naumann	" " "	" " "
Laurence Burns	7359 101 <sup>st</sup> Ave, So. Haven	637-5586
<i>Robt Baker</i>	269 217 8796	

**Robert Baker**  
54 Lincoln Ave  
South Haven MI 49090

April 10, 2013

TO: Harbor Commission

FR: Paul VandenBosch

RE: Harbor Line at Nichols Landing (east of the Idler)

In reviewing the request from Bob Lewis, Idler Riverboat, I found some conflicting information on how the Harbor Line was located in the area of Nichols Landing.

From the 1990 Ordinance 740 that establishes the City Harbor line:

DOWNSTREAM OF DYCKMAN AVENUE BRIDGE

As defined on the Harbor Development Map, starting at the most easterly point of the South Jetty, 10 feet on the riverward side of the U. S. Harbor Lines as established by the U.S. Department of Corps of Engineers to a location at the most easterly side of Nichols Landing Condominium. The east 10 feet to the U. S. Harbor Line. Then easterly on said U. S. Harbor Line to the Dyckman Avenue Bridge.

(Excerpt from Ordinance 740)

The ordinance refers to the Harbor Development Map (attached). The map has two lines which are separated by 10 feet, and which join at the easterly side of Nichols Landing.

The word "riverward" is confusing, because there is river on both sides of the U.S. Harbor Lines. I believe that the statement "riverward" was intended to mean "towards the river bank". In the area of Nichols Landing, that would mean that the City Project Lines were located 10 feet to the South of the U.S. Harbor Line. There are two reasons for this:

The offset described in Ordinance 740 is either to the North or the South of the U.S. Harbor Line. I do not believe that docks or pilings would be allowed in the area which is designated for dredging by the Army Corps of Engineers, so that would eliminate the offset to the North.

The map shows a line offset to the south of the U.S. Harbor Line, which is close to the headwall as it existed in the aerial photo. The offset is about 10 feet when measured on the City GIS mapping system.

Based on my reading of the ordinance, I believe that in the area of Old Harbor Village and the Nichols Landing dock, the intent was to restrict development to a line 10 feet to the south of the Federal harbor line as depicted on the attached 1959 aerial photo.

The Bob Lewis proposal to extend the dock at Nichols Landing would extend past the Harbor Line and would NOT be permitted under Ordinance 740.

Staff Recommendation:

Recommend denial of the special use permit because the proposed deck extends past the City Project Line as approved in Ordinance 740.

ORDINANCE #740

AN ORDINANCE FOR PROPOSED REGULATIONS OF REVERFRONT PROJECT LINES FOR THE BLACK RIVER  
WITHIN THE CITY OF SOUTH HAVEN

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH HAVEN, MICHIGAN  
AS FOLLOWS:

SECTION 1 - DEFINITIONS

PROJECT LINES - That line located within the river approximately parallel to the nearest  
shoreline beyond which no structure may extend.

HEADDOCK - A type of structure that is typically constructed parallel to the project line  
so as to provide watercraft mooring or fingerpier access capability.

FINGER PIER - A type of structure either floating or permanent that typically extends  
perpendicular to the headdock or shoreline and is utilized for the mooring of watercraft.

BOAT SLIPS- That watercraft mooring area typically defined by fingerpiers or headdocks.

CENTER LINE - That line as depicted and shown on the Aerial Maps on file with the City Engineering Office and approved by the City of South Haven.

#### DOWNSTREAM OF DYCKMAN AVENUE BRIDGE

As defined on the Harbor Development Map, starting at the most easterly point of the South Jetty, 10 feet on the riverward side of the U. S. Harbor Lines as established by the U.S. Department of Corps of Engineers to a location at the most easterly side of Nichols' Landing Condominium. The east 10 feet to the U. S. Harbor Line. Then easterly on said U. S. Harbor Line to the Dyckman Avenue Bridge.

At the most easterly point of the North Jetty, 10' riverward at right angles to the U.S. Harbor Line as established by the Corps of Engineers to a point of Intersection 60' riverward of the established land of the turning basin, then following a line 60' riverward of the established land around the turning basin to a point of intersection with the established U.S. Harbor Line then on said established Harbor Line to the Dyckman Avenue Bridge.

#### UPSTREAM FROM DYCKMAN AVENUE BRIDGE

As defined on the Harbor Development Map, starting with the center line of the Black River on the north side of the Dyckman Avenue Bridge, 120 feet, being 60 feet either side of the said center line to a point of intersection with the East line of Unit 3, Black River Yacht Club; then 110 feet, being 55 feet either side of said center line to a line intersecting with the South line of Lot 26, Terrace Park Assessors Addition to the City of South Haven, then said project lines shall be 90 feet wide, being 45 feet either side of said center line to a line intersecting with the South line of River Ridge Condominium Association, then 80 feet wide, being 40 feet either side of said center line to the City limits.

#### SECTION 3 - DEVELOPMENT ALONG BLACK RIVER

It is the purpose of this Ordinance to govern the development of the Black River. The Harbor Project Lines are established to govern the most riverward side of the proposed development. In no case may any development upon the Black River extend into the river past the project lines as developed by the City of South Haven. For the purposes of this ordinance, all proposed development on or contiguous to the Black River must comply with all sections of this Ordinance.

#### SECTION 4 - DEVELOPMENT REQUIREMENTS FOR PROPOSED CONSTRUCTION ON THE Black River

Prior to approval of any proposed development along the Black River within the City Limits of the City of South Haven, the following must be adhered to be in compliance with the requirements of this Ordinance. The applicant shall furnish the following documentation along with the South Haven River Development Form:

1. A cross section of the Black River must be presented showing the River where the proposed development take place depicting the following:
  - A. The width of the river.
  - B. A cross section of the river bottom.
  - C. The established U.S. Harbor Line and the City of South Haven River Project Line.
  - D. Length and width and type of construction fo proposed development.
  - E. The current development of the site on opposing sides of the Black River.
2. Should any type of <sup>dredging</sup> ~~dredging~~ be needed to complete the proposed project, the area downstream of the project site for five hundred (500) linear feet and one hundred (100) linear feet upstream from the project must be sounded both before the project is started and at time of completion, prior to issuance of Certificate of Occupancy, of the project. these soundings must be reported in written form to the City of South Haven for its review. One the project is completed, the developer will be liable for any debris or spoils that have been found due to the development of the project. Prior to the approval of the proposed dredging by the City of South Haven, the City will give notice to private and public owners of property that may be affected by the project. These notices will inform the owners of potentially affected property of the proposed dredging and possible effect.

3. The project must be staked as may be reasonable required so as to allow for the inspection of the development to insure compliance with the provisions of this ordinance.

#### SECTION 5 - LENGTH OF STRUCTURES PROJECTING INTO RIVER

For structures projecting into the river, the length of the structure must be equal or less than the distance from the project line to the centerline of the river.

#### SECTION 6 - TYPE OF CONSTRUCTION

ORDINANCE #740 Cont.

For any structures that are to be developed, the structures must meet standard construction technique as required by the Building Codes or other City of South Haven standards as may be in force at the time the application is submitted.

SECTION 7 - Any Ordinance or part thereof in conflict with the provisions of this Ordinance are hereby repealed to the extend of such conflict.

SECTION 8 - If any item or portion of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 9 - This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 10 - This ordinance shall become effective November 15, 1990.

Adopted and Passed by the City Council.

\_\_\_\_\_  
David W. Paull, Mayor

*Elizabeth J. Wagner*  
\_\_\_\_\_  
Elizabeth J. Wagner, City Clerk

I hereby certify that the foregoing Ordinance was passed by the City Council and duly published in the South Haven Tribune.

*Elizabeth J. Wagner*  
\_\_\_\_\_  
Elizabeth J. Wagner, City Clerk





"Harbor Lines"  
D-15-59

PHOTO DATE 6-1-89  
PHOTO SCALE 1"=100'





## **Agenda Item #7 Dockside Restaurant**

**City of South Haven**

### **Background Information:**

A special use request from Millennium Restaurant Group, represented by Bob Lewis, Kalamazoo, MI, to allow outdoor dining on a dock directly east of the existing Idler Restaurant dock. The property is owned by King Landgin LLC, Holland Mi. The dock dining area will be associated with the existing Idler Restaurant but will operate under a different name. The applicant intends to reconstruct and extend the dock over the river.

Of major concern is the lack of parking for this project. The applicant will need a parking variance from the zoning board of appeals prior to proceeding with this project. The project also needs review by the Harbor Commission and a determination of the correct harbor line.

### **Recommendation:**

Staff does not have a problem with the concept of a dockside restaurant at the proposed location. There are some concerns however with the lack of parking and complete site plan information. (Refer to the case summary for a list of site plan issues not received.)

Planning commissioners should hear any citizen comments offered at the public hearing, review the application and the case summary as found in this packet and determine whether the proposed location is suitable for the intended use and if the application is complete enough for action.

Any approval must be contingent on a parking variance from the ZBA and the review by the Harbor Commission.

### **Support Material:**

- a. Application
- b. Applicant narrative
- c. Letter regarding harbor lines
- d. Aerial photo of the site
- e. Survey of existing dock and proposed expansion (2)
- f. Proposed speaker system
- g. Examples of exterior lighting fixtures
- h. Examples of furniture
- i. Examples of proposed fencing
- j. Photos of existing dock (4)
- k. Proposed restroom location and access to dock

- I. Proposed seating plan
- m. Staff 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: 3/4/13 Applicant: Bob Lewis (Folce Riverhart)  
(If applicant is not the owner of the subject property, a letter granting said applicant authority is required.)

Applicant Address: 515 Williams St # 10

Applicant Phone Numbers: 269-217-1149

Applicant e-mail: bohlewisung@hotmail.com

Subject Property Address: 515 Williams # 10  
(A legal description and survey of the subject property is required to be submitted with this application.)

Zoning District: B-3 Underpass Business

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

Special Use Section Number: 901

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.

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE PLANNING COMMISSION FOR REVIEW. THE UNDERSIGNED REALIZES THAT ANY INFORMATION SUPPLIED IN SUPPORT HEREOF THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE COMMISSION. SAID SIGNATOR ALSO ACKNOWLEDGES THAT IF THE PERMIT IS GRANTED, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF SAID APPROVAL OR SAID PERMIT APPROVAL BECOMES NULL AND VOID.

Applicant Signature Bob Lewis Date: 3/4/13

Fee due with application: \$400.00

## Special Permit Application.

### General Standards

- a. We plan on using the dock space for food and beverage service. Whereas the deck of the Idler is "at times" more for the drinker that wants to eat. The dock space will provide Riverside seating for those that are looking for a great South Haven riverside dining experience. Alcohol would be served.
- b. We want to maintain the character of the area as a "dock". All tables, lighting, fencing, etc. would enhance the space as waterfront dock side seating. Examples of such can be supplied.
- c. There should be no more requirements on the city of traffic and parking then existed when this space was used for the "Nichols fishing boats". We continue to monitor our own noise levels and work with Chief Martin and the South haven Police department on the control and monitoring of noise levels at our current adjacent location.
- d. The use of the space will have no greater demand on public services than currently exist.

Trash removal would be handled thru the Idler. There would not be a large trash receptacle on the dock.

Restrooms would be built to fulfill the requirements of the city of South Haven. Ross Rogen and Mike Fields have been contacted to define these requirements. The proposed bathroom location would be on the north end of the space at the location of the "fish cleaning" shed. This area currently is supplied with the plumbing infrastructure.

August 6, 2012

TO: Brian Dissette

FR: Paul VandenBosch 

RE: Harbor Lines and Dock Construction

You asked regarding a proposal to construct docks to the east of the Idler, extending out as far as the Idler.

The South Haven Code of Ordinances prohibits construction of permanent dock structures on the river side of designated harbor lines. See the South Haven Code of Ordinances, Section 38-4(8).

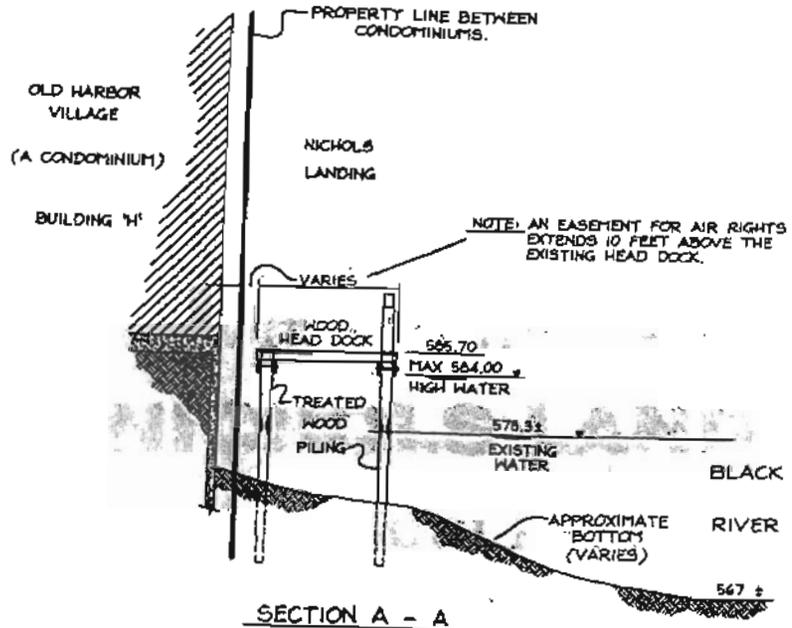
The harbor line runs parallel to the dock about 10 feet into the river in the area of the Idler. (see attached sketch). It is unlikely that a dock which extends past the harbor line would be permitted.

Vessels are permitted to moor and extend past the harbor lines. Vessels are not permitted to obstruct harbor traffic. See the South Haven Code of Ordinances, Section 38-4(3).

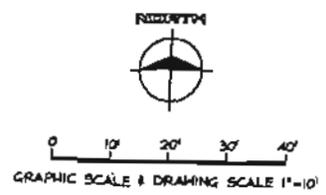
I am not sure how the approval process would work with a vessel that is constructed to remain in place (substantially a land structure). It may require a review by the Coast Guard, Army Corps of Engineers, DNR, Fire Marshal, Harbor Commission and/or the City. In order to determine the approval path, more detail is needed.



Aerial 2011

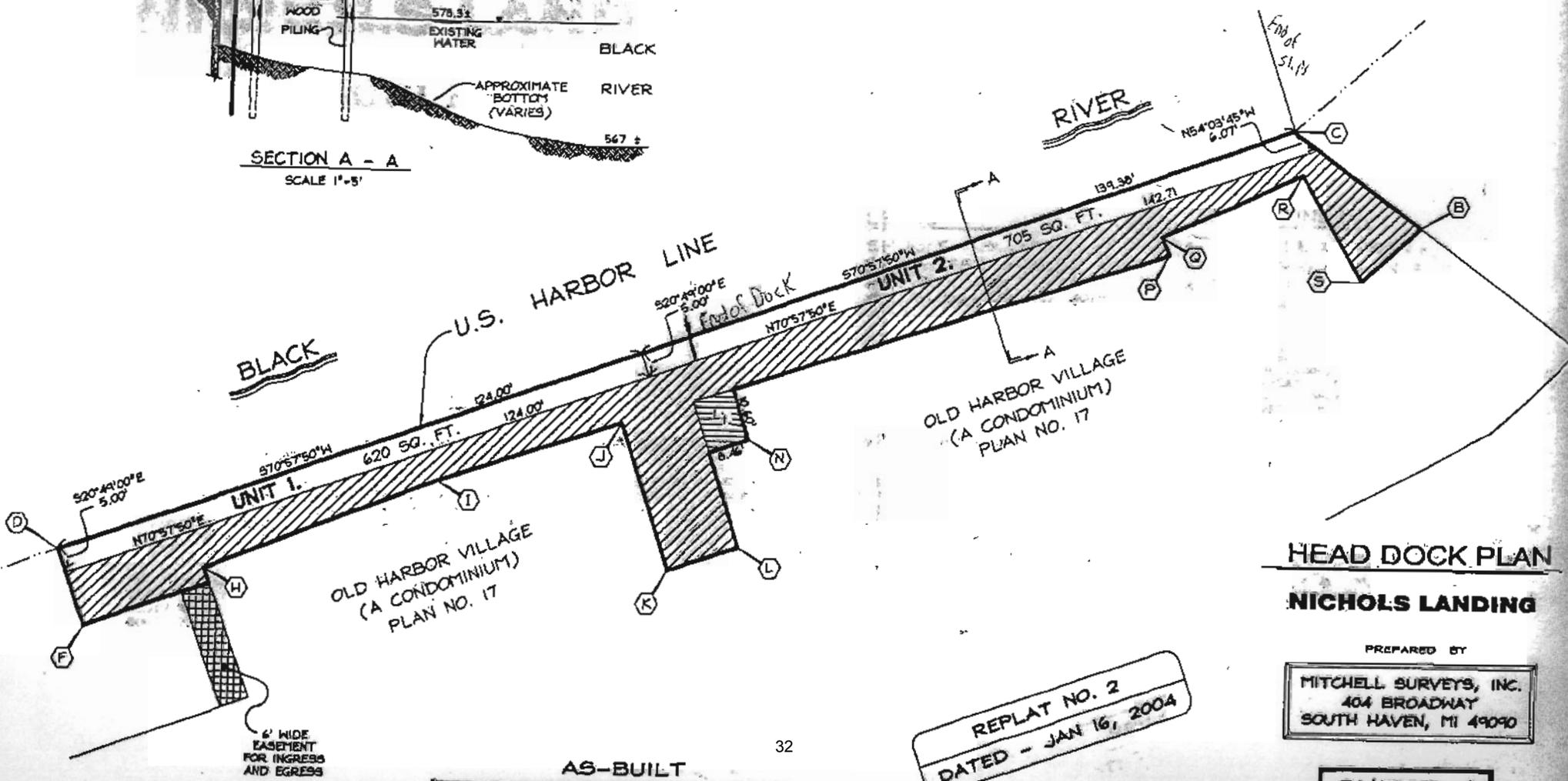


SECTION A - A  
SCALE 1"=5'



- LEGEND:**
- GENERAL COMMON ELEMENT
  - LIMITED COMMON ELEMENT FOR UNIT 1
  - LIMITS OF OWNERSHIP
  - COORDINATE POINT

**NOTES:**  
1.) ALL OWNERSHIP LINES ARE REFERENCED BY BEARINGS AND DISTANCES.



**HEAD DOCK PLAN  
NICHOLS LANDING**

PREPARED BY

**MITCHELL SURVEYS, INC.**  
404 BROADWAY  
SOUTH HAVEN, MI 49090

REPLAT NO. 2  
DATED - JAN 16, 2004

AS-BUILT  
DATED: JANUARY 16, 2004

SHEET 4

PROPERTY LINE BETWEEN CONDOMINIUMS.



GRAPHIC SCALE: DRAWING SCALE 1"=10'

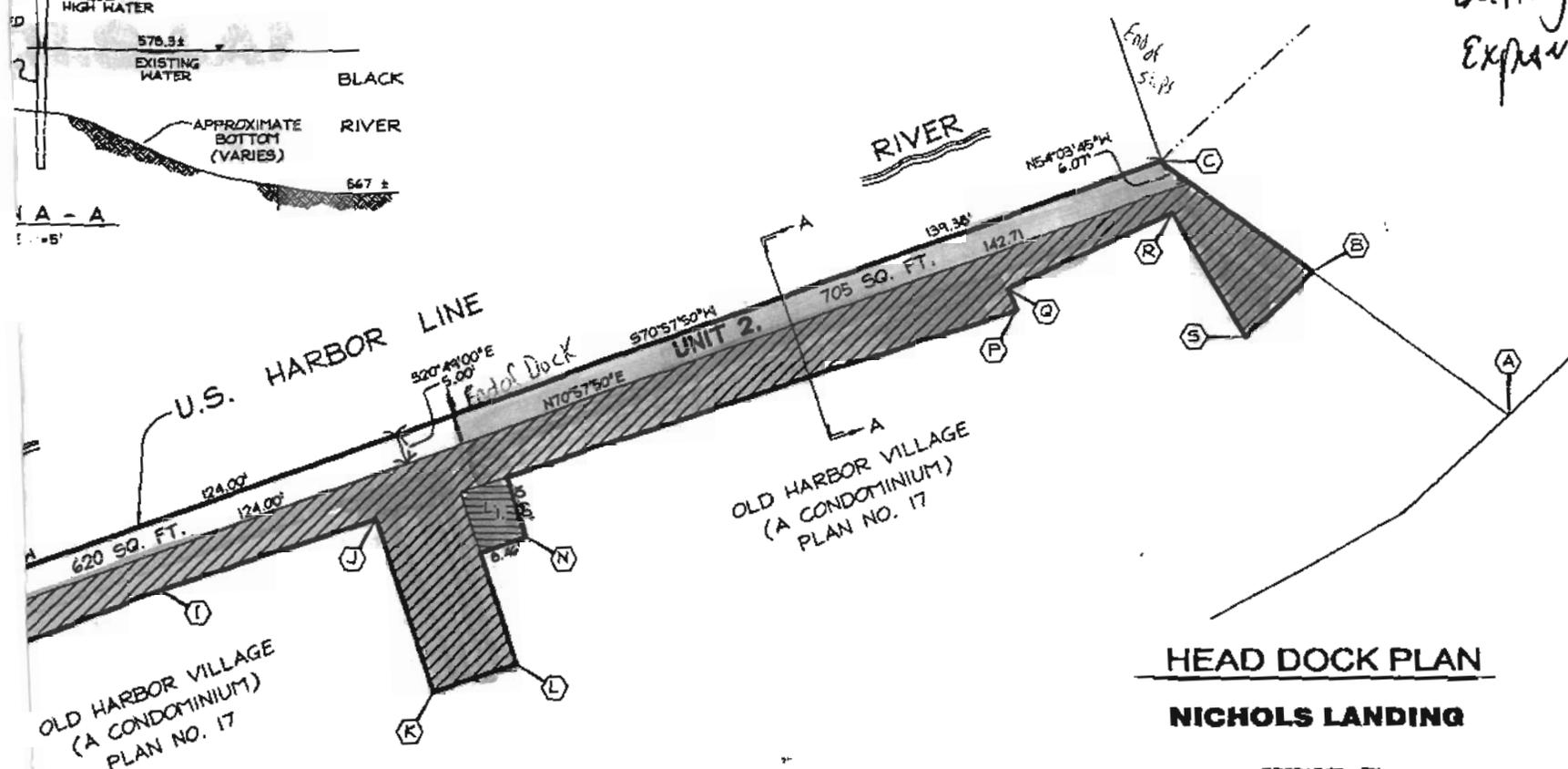
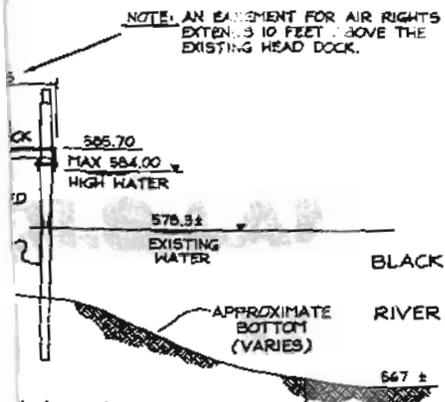
LEGEND:

- GENERAL COMMON ELEMENTS
- LIMITED COMMON ELEMENTS FOR UNIT 1.
- LIMITS OF OWNERSHIP
- COORDINATE POINT

NOTES:

- (1) ALL OWNERSHIP LINES ARE REFERENCED BY BEARINGS AND DISTANCES.

Existing Tide  
Existing Niche  
Expansion



HEAD DOCK PLAN

NICHOLS LANDING

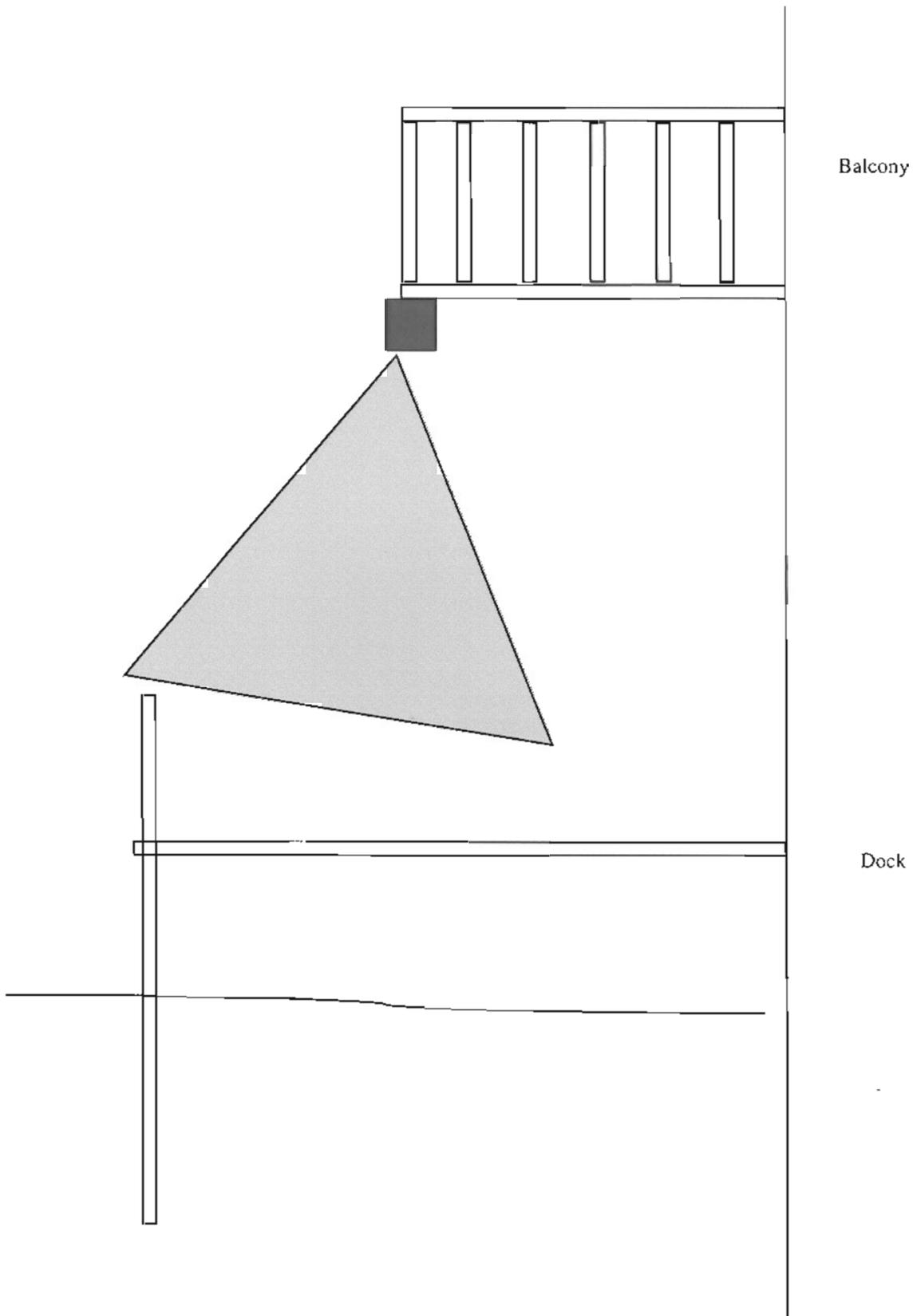
PREPARED BY

MITCHELL SURVEYS, INC.  
404 BROADWAY  
SOUTH HAVEN, CT 06488

REPLAT NO. 2  
DATED - JAN 16, 2004

SHEET 1

AS-BUILT



It would be proposed that music speakers (in Orange) be positioned at the bottom of the overhanging balcony and directed down to the tables and guest (yellow) so as to limit any noise that would flow to the hotel and their guests.



Union Single Post Mount Exterior Light  
\$318.00



Seaside Radial Wave Reflector Single Post Mount Exterior Light  
\$319.00



Seaside Radial Wave Single Post Mount Decorative Exterior Light  
\$424.00



Aero Double Post Mount Exterior Light  
\$614.00



Bomber Single Post Mount Decorative Exterior Light  
\$413.00



Bomber Double Post Mount Exterior Light  
\$636.00



Union Double Post Mount Exterior Light  
\$643.00



Avalon Double Post Mount Exterior Light  
\$592.00



Wilcox Single Post Mount Exterior Light  
\$307.00



Union Single Post Mount Decorative Exterior Light  
\$418.00



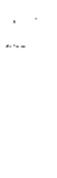
Wilcox Double Post Mount Exterior Light  
\$625.00



Sky Chief Single Post Mount Decorative Exterior Light  
\$429.00



Sterling Deep Cone Reflector Single Post Mount Exterior Light  
\$313.00



Wilcox Single Post Mount Decorative Exterior Light  
\$413.00



Sterling Deep Cone Reflector Double Post Mount Exterior Light  
\$588.00



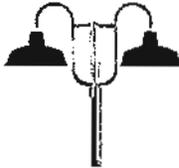
Sky Chief Double Post Mount Exterior Light  
\$658.00



Union Decorative Double Post Mount



Avalon Decorative Double Post Mount



Bomber Decorative Double Post Mount



Seaside Decorative Double Post Mount

# Post Mount Lighting

Liven up your driveway, dock, or patio with one of a kind Post Mount lighting. Available with several of our most popular shades, these exterior lights can also be customized in almost 60 finish options. Don't forget - a Post Mount Light isn't complete without a base - matching posts are sold separately in several coordinating design choices.



Period Basic Circa 1910 Post Mount

\$356.00



Yamouth Orb Lantern

\$512.00



Gold Rush Single Post Mount Exterior Light

\$314.00



Excavator Single Post Mount Exterior Light

\$385.00



The Cape Hatteras Post Mount Light

\$409.00



Avalon Single Post Mount Exterior Light

\$296.00



Avalon Single Post Mount Decorative Exterior Light

\$380.00



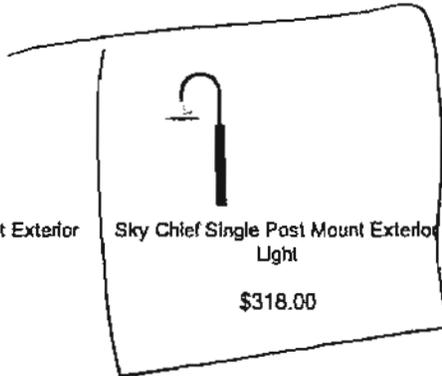
Aero Single Post Mount Decorative Exterior Light

\$391.00



Bomber Single Post Mount Exterior Light

\$307.00



Sky Chief Single Post Mount Exterior Light

\$318.00



Seaside Radial Wave Reflector Double Post Mount Exterior Light

\$647.00



Aero Single Post Mount Exterior Light

\$307.00



# MICHIGAN AVENUE

PERSONALITIES | EVENTS | STYLE | DINING & NIGHTLIFE | LIVING | WATCHES | MAGAZINE | VIDEO

## Dinner Plans: Quay's Unique Outdoor Dining

A new patio at water level and a few August specials make Quay the place to dine this weekend.

AUGUST 03, 2012

Tweet 4 Share 13 Pin It 1 +10 Share 19



Although most restaurants have had their outdoor spaces open since early summer, Quay Restaurant and Bar's new floating dockside patio was well worth the wait. The 3,000-square-foot space, opened late last month, is the only spot in the city where diners sit at water level, instead of overlooking it.

Quay's alfresco menu isn't as extensive as its indoor counterpart, but the dishes are just as gourmet. Tarte flambé flatbread features Wisconsin applewood bacon, wilted onions, and fromage blanc; and the roasted beet salad is the perfect summer dish with Chioggia and Detroit red beets, frisée mint, candied walnuts, fresh horseradish, and a yogurt dressing. Sandwiches and burgers are also available, as well as refreshing cocktails.

Inside, where guests can still take advantage of the gorgeous river views through floor-to-ceiling windows, chef Dan Marquis has prepared a few special dishes for August in honor of Tomato Month. His heirloom tomato pizza mixes fromage blanc, smoked mozzarella, truffle oil, and purple basil, with some ingredients straight from the chef's Mill Road Farms in Sheffield, Illinois. The gazpacho is a must-try, as is the pan-seared branzino, which features worldly ingredients like heirloom tomatoes, red kamatsuna greens (also from chef Marquis' farm), Chinese eggplant, shaved fennel, Thai basil, and dashi broth. 465 E. Illinois St., 312-981-8400

—ELLE EICHINGER

### Recommended Stories



**Bikini baristas serving up too much skin?**  
(Fox News)



**The Drake Hotel Debuts History Tea**



**Brunch Plans: Sabie Kitchen & Bar**



**Chicago Native Michelle Williams In Felat**

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MICHIGAN AVENUE

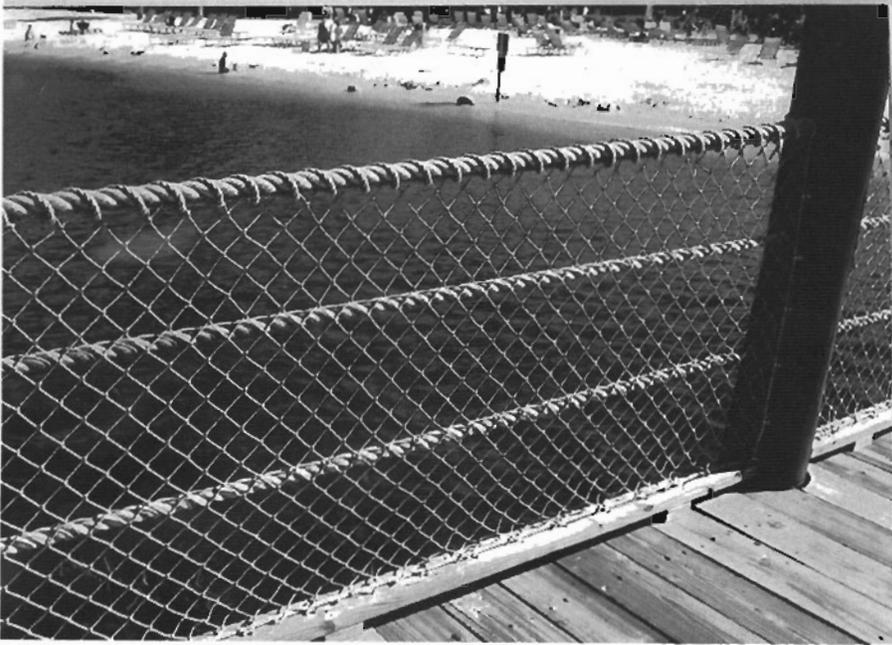
Receive the Monthly Insider  
**NEWSLETTER**

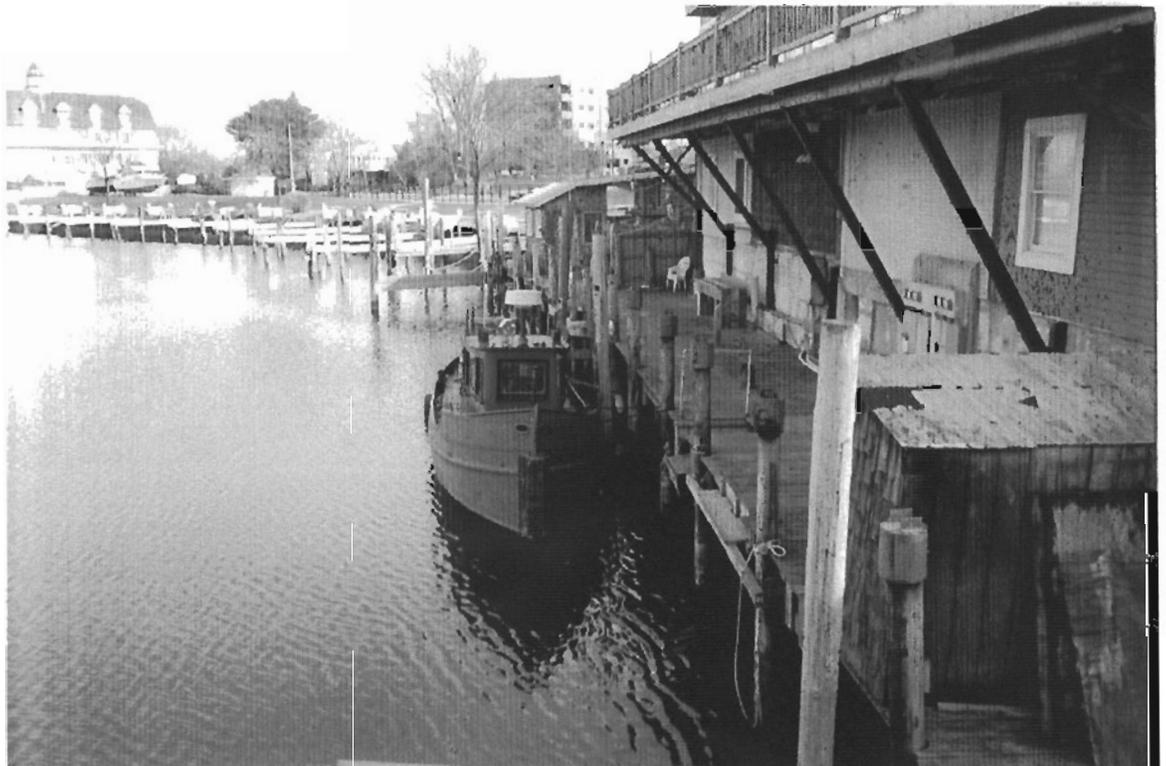
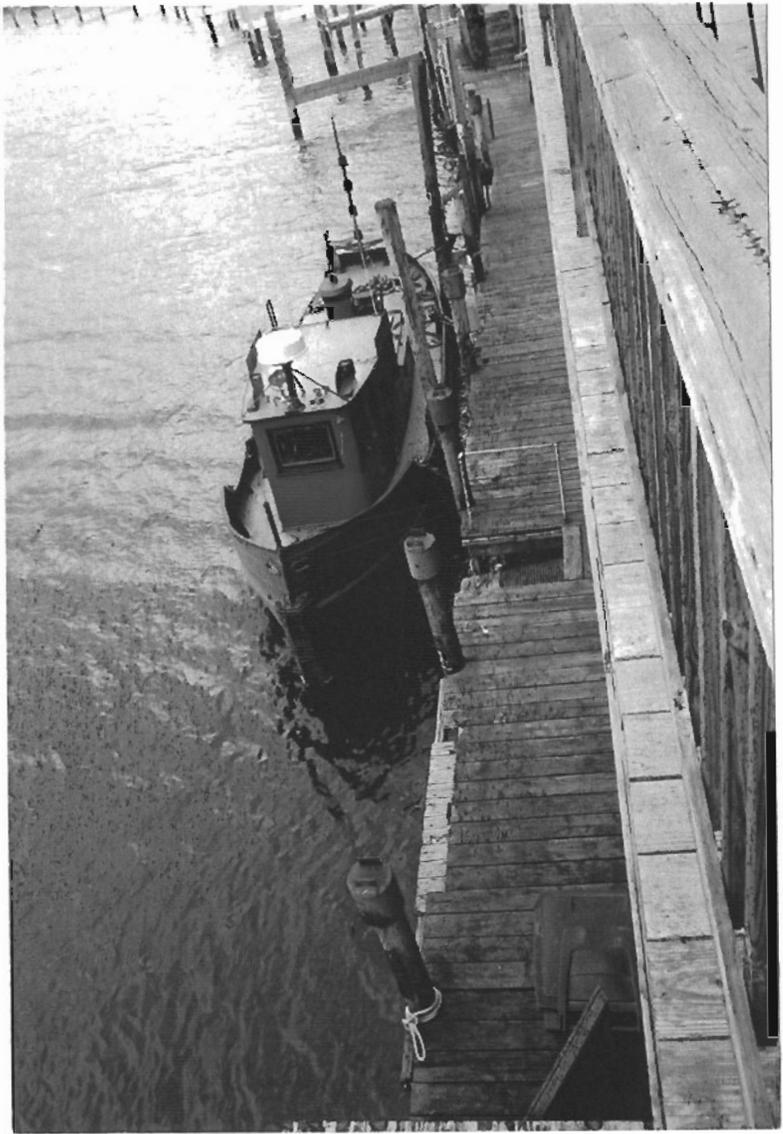
SIGN UP >>

### FEATURED VIDEO

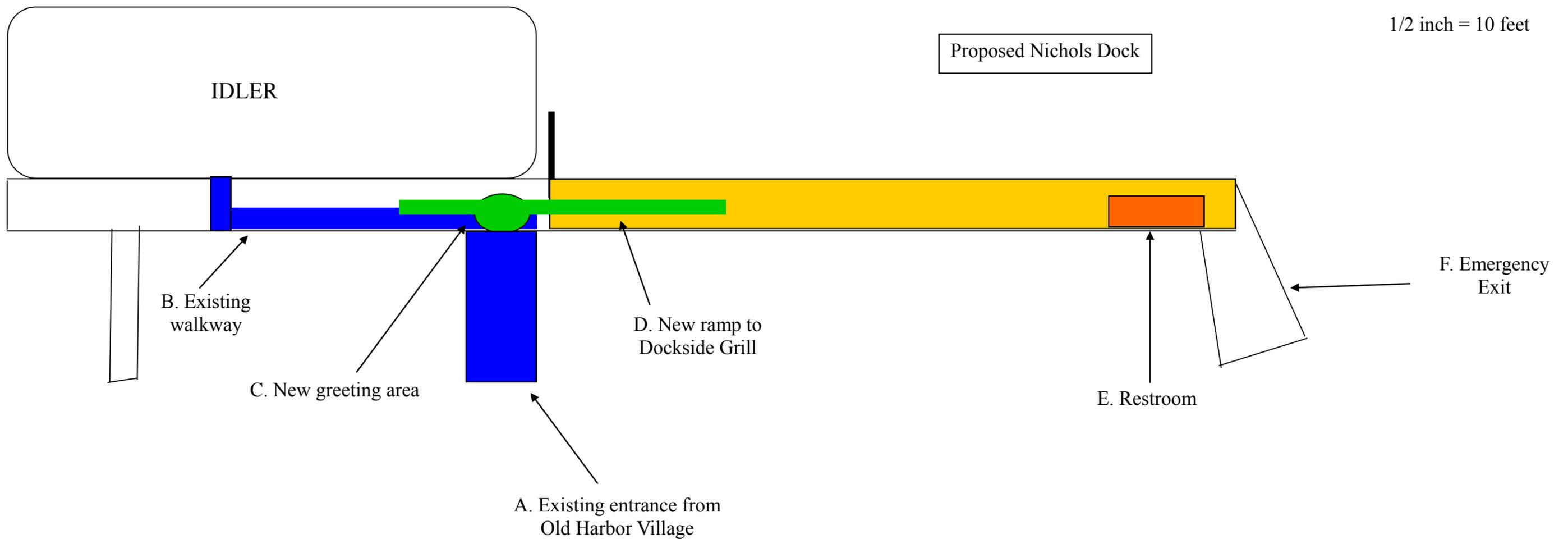


**Candace Jordan Teams Up with CAMP Cosmetics**  
Behind the scenes of Candace Jordan's shoot for makeup line CAMP Cosmetics.









The Idler has the existing entrance from the Old Harbor Village. (A). The guests enter the Idler on the upper level via the existing walkway (B).

We would move our greeting station to the area C. So that we could direct the guest to either the Idler or the Dockside Grill.

The guest would continue to enter the Idler via the existing walkways. (blue).

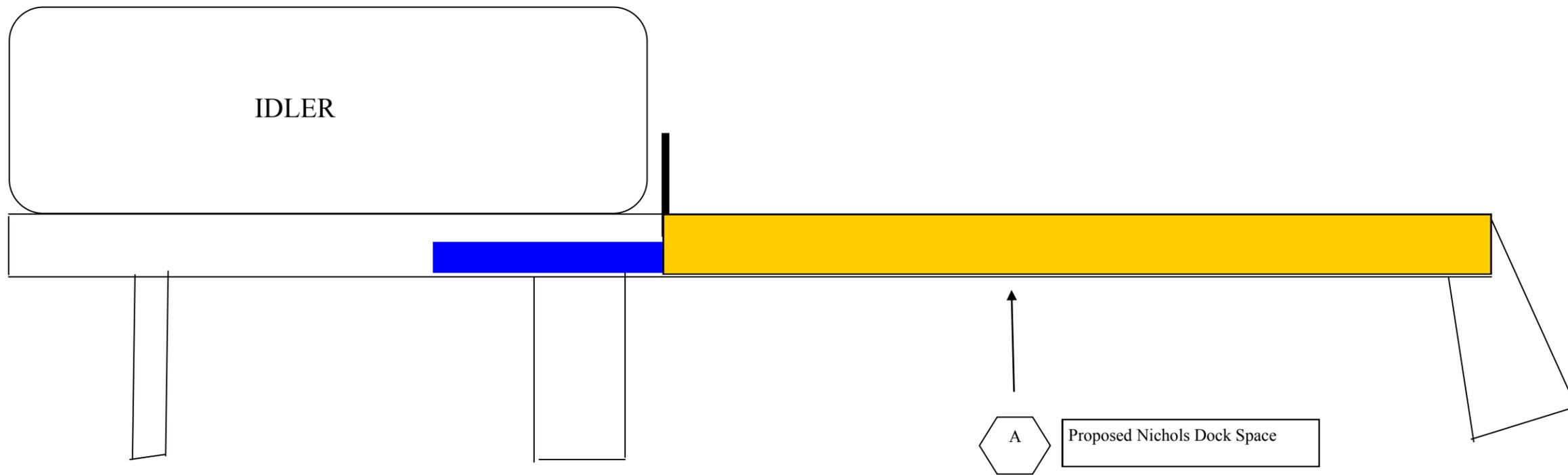
To enter the Dockside grill they would take the new ramp (D). This ramp would drop the guest to the dock level. The rate of the drop would be one inch drop per one foot of run.

There would be an emergency exit at the north end of the dock (F). This exit already exists.

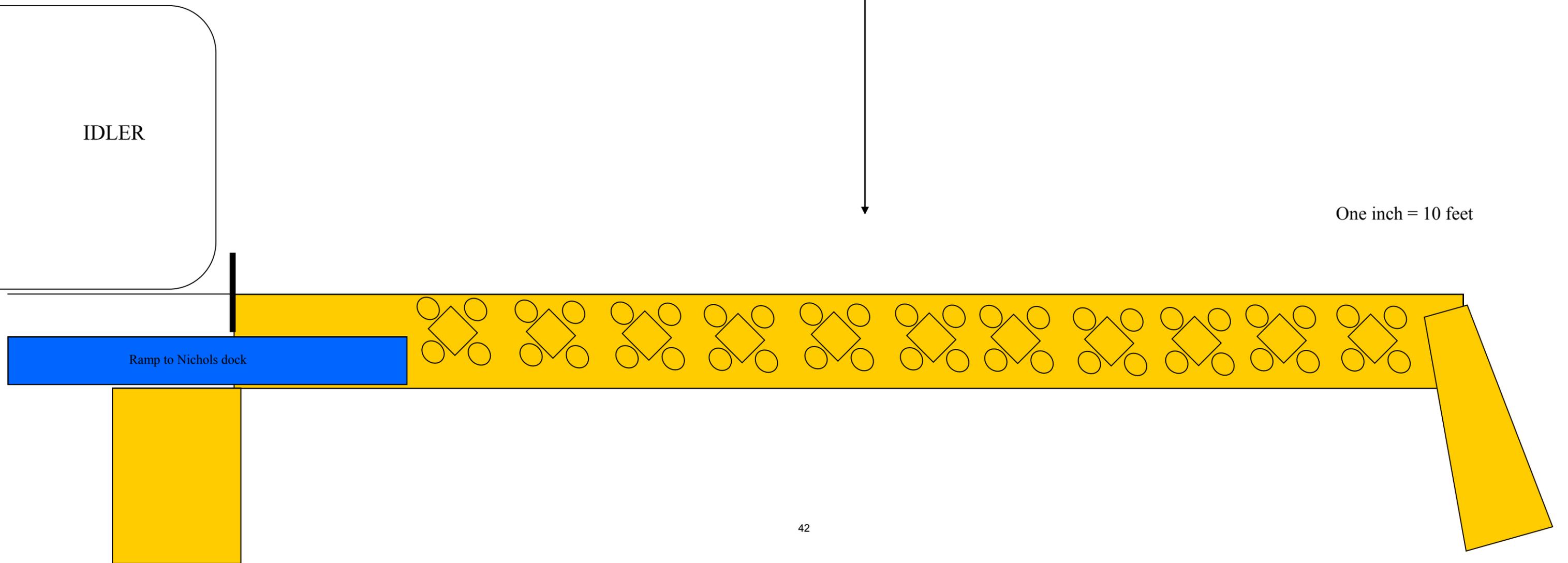
The restrooms would be in the current location of the fish cleaning building (E). We would keep the existing physical exterior look of that building. Interior would be of materials that are cleanable and fall within requirements. Exterior would be Cedar shingles with white trim. The roof would be shingled. The restroom would be sized to accommodate the seating capacity of the space.

Per the most recent conversation with Building and plumbing officials a “unisex” restroom with a sink and toilet may suffice due to the seating capacity. If the extension of the dock would happen then we would expand the restroom to meet code.

1/2 inch = 10 feet



One inch = 10 feet



**AGENDA ITEM #7  
LEWIS SPECIAL USE APPLICATION  
GENERAL INFORMATION**

---

Case Number.....2013 - 0003-SU

Date of Plan Commission.....04.11.2013

Applicant.....Bob Lewis (Representing Millennium Restaurant Group)

Request .....A special use permit to allow outdoor dining on a dock

Location .....515 Williams #10

Parcel Numbers..... 80-53-125-200-00

Size..... 139' 38" (142'2") x 11' (approx. 1540 sq. ft.)

Street Frontage.....NA

Current Zoning.....B-3 Waterfront Business

Proposed Zoning.....No change

Contiguous Zoning.....North: Black River  
South: CBD, Central Business District  
East: B-3  
West: B-3

Current Land Use.....Dock

Contiguous Land Uses.....North: River  
South: CBD  
East: Commercial  
West: Residential commercial mix

Comp Plan Designation .....Waterfront and Related Commercial/Recreation

---

**CHARACTER OF THE AREA**

This is an area with a mix of condominium style housing and commercial businesses. Some of the businesses are seasonal as would be the applicant business.

**DEVELOPMENT PROPOSAL**

A special use request from Millennium Restaurant Group, represented by Bob Lewis, Kalamazoo, MI, to allow outdoor dining on a dock directly east of the existing Idler Restaurant dock. The property is owned by King Landgin LLC, Holland Mi. The dock dining area will be associated with the existing Idler Restaurant but will operate under a different name. The applicant intends to reconstruct and extend the dock over the water. The parcel number for the property is 80-53-125-200-00 and the zoning is B-3, Waterfront Business.

## **PUBLIC RESPONSE**

NA

## **EVALUATION**

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

### **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.

*Construction is relatively minimal for this project. The applicant intends to rebuild and extend the existing dock to provide area for outdoor dining. There will also be installed fencing and lighting. Given the nature of the business, it should complement the character of the neighborhood provided noise, lighting and refuse disposal are in compliance with local ordinances.*

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

*Since the essential character is that of a seasonal shopping and dining district, the outdoor dining proposed is not out of character with 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.

*No hazardous impacts are anticipated provided the applicant complies with city ordinances concerning lighting, noise and property maintenance.*

*The applicant states the hours of operation as: "we would open for lunch at 11 am daily. Dinner would probably run to 10:00 pm during the week and Sunday and to 11:00 pm on Friday and Saturday. This location is meant to offer a great waterside dining experience."*

- 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.

*No additional demands on public services are expected.*

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

*The 2011 Master Plan future land use chapter recommends that properties in this category “should retain the character typical of a waterfront resort community”. Waterfront dining is one way to provide residents and visitors to the area an alternative dining experience. Staff found nothing in the Plan which would be counter to this application.*

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

*The following items have not yet been addressed or are lacking complete information:*

- 1) *Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area.*
- 2) *A generalized map showing:*
  - a. *Ingress and egress points for the restaurant.*
  - b. *Signs - location and any proposed sign lighting.*
  - c. *Restrooms building elevations and floor plan.*
- 3) *In an email from the applicant, refuse removal was explained as: “We (the applicant and John Marple, manager of the Old Harbor Village) discussed the garbage situation and have a plan for the Idler to use the new dumpsters across the street at the North end of the parking lot.” Staff would like to see a written agreement to this effect.*
- 4) *When asked, the applicant stated that he anticipated installing lighting fixtures where the 6-8 piling now stand. We are unsure if this means he will attach the light fixtures to the pilings or have some other method of installation.*
- 5) *The staff has received illustrations which generally depict the proposed furniture and fencing. The planning commission should determine if more specific details are required.*

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

*The applicant will also need the Harbor Commission recommendation for this proposed use before a final decision is made.*

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.

*The ordinance requires for restaurants, “one (1) parking space for each seventy-five (75) square feet of usable floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by the local fire marshal”.*

*The number of required parking spaces cannot be determined until the fire marshal determines maximum seating capacity.*

*The application includes no off-street parking. There is parking available in the CBD, but that is intended for visitors to the CBD. This waterfront zone is across the street from the CBD but cannot be considered part of it. The applicant will need to obtain a variance from the ZBA to proceed without parking.*

*(The Old Harbor Village also does not have any off-street parking but the situation is not the same. At the time Old Harbor Village was established, the city had in place a Community Parking Plan whereby developers could pay a one-time fee in lieu of providing parking. Old Harbor Village took part in that program which no longer exists in the city.)*

### **RECOMMENDATION**

While staff believes the use is appropriate for the location, the lack of parking and insufficient site plan and application materials cannot be overlooked. The planning commission members need to review the case summary, visit the site and determine if this application for a special use permit meets the intent of the city plans and ordinances and, if it does, include the following conditions, at a minimum:

1. The applicant needs to document the Harbor Commission recommendation. The next Harbor Commission meeting is scheduled for April 16, 2013;
2. The applicant will need to obtain a variance from the ZBA for parking. The next scheduled ZBA meeting will be on May 20, 2013;
3. All site plan elements need to be adequately provided as explained in this review.