

# Planning Commission

## Regular Meeting Agenda

Thursday, June 6, 2013  
7:00 p.m., Council Chambers



1. Call to Order
2. Roll Call
- 2a. Election of Officers
3. Approval of Agenda
4. Approval of Minutes – April 11, 2013
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business

### PUBLIC HEARINGS

- a. **Rezoning request**  
An Ordinance to Amend the Official Map of the South Haven Zoning Ordinance to Rezone 16.8 Acres from Industrial I-1B to Industrial 1-1.
- b. **Text Amendment #1**  
An Ordinance to Amend Section 201 of the South Haven Zoning Ordinance to Define “Easement” and “Private Road”
- c. **Text Amendment #2**  
An Ordinance to Amend Section 2001 and 2008 of The South Haven Zoning Ordinance to allow for Institutional Signage in Residential Zones
- d. **Special Land Use Permit Request** - Café Julia, 561 Huron Street, Outdoor Seating
- e. **Special Land Use Permit Request** - Becky Snyder, 1022 Phoenix Street, Home Occupation for massage therapy

South Haven City Hall is Barrier-free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Clerk. Individuals with disabilities requiring services should contact the City Clerk by writing or calling South Haven City Hall at (269) 637-0700.

**7. Commissioner Comments**

**8. Adjourn**

RESPECTFULLY SUBMITTED,  
Linda Anderson, Zoning Administrator

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

# Planning Commission

## Regular Meeting Minutes

Thursday, April 11, 2013  
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: Bugge, Frost, Miles, Smith, Wall, Paull

Absent: Heinig (excused), Soukup (excused), Kozlik-Wall

### 3. Approval of Agenda

Motion by Bugge, second by Miles to approve the agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – November 1, 2012

Motion by Bugge, second by Frost to approve the November 1, 2012 meeting minutes as written.

All in favor. Motion carried.

### 5. Election of New Vice-chairperson

Paull noted that due to Chairperson Brunvand's resignation, there was a need to elect a new Vice-chair. Paull opened the nominations.

Bugge nominated Heinig. Second by Smith.

Paull asked for further nominations; seeing none the nominations were closed.

All in favor. Motion carried pending Heinig's consent.

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

None at this time.

### 7. New Business

**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.**

Paull outlined the procedure for the public hearing.

Motion by Frost, second by Miles to open the public hearing.

Anderson reviewed and explained the application as submitted by Bob Lewis, the applicant. It was noted that the proposed dock space would operate as a separate restaurant although sharing the kitchen with the Idler. Anderson noted several items for which the commission will need more information prior to final approval.

Anderson explained that this application has to go to the Harbor Commission, which meets on April 16. The Harbor Commission will make a recommendation to the Planning Commission. There is also no parking, as explained by Anderson. Depending on the occupancy maximum, there will be a number of required parking spaces. The Zoning Board of Appeals will need to grant a variance and that board does not meet until May 20. Anderson noted that without those approvals and recommendations the Planning Commission cannot finalize any action on this request.

After a question by Paull regarding the occupancy limit, Anderson explained that the fire marshal sets the occupancy and the parking requirement is being based on that. The fire marshal has not reviewed this yet, because there is not a complete site plan at this time and the size of the dining area has yet to be determined, according to Anderson.

Anderson noted that she e-mailed to the commission a letter from John Marple with a number of comments regarding the effect on this request on Old Harbor Inn. Anderson also said, "There are three (3) additional addendums to that letter in front of you."

Chairperson Paull invited Bob Lewis to address the commission.

Bob Lewis, applicant and representative of Millennium Restaurant Group, thanked staff and the City for their help through this process. Lewis noted that he brought along some architectural drawings; the intent is to open with the existing square footage; the larger dock would be an evolutionary process based on whether or not approval is granted to add on to the existing dock. Lewis noted that the intent is to maintain the dockside ambience while adding some seating for diners.

Lewis restated that the kitchen on the Idler would serve as the kitchen for the new dockside seating. The restroom is also a question mark, according to the applicant, as to whether there would be two (2) restrooms or one unisex restroom.

Lewis also noted that the small scale sketches in his packet of materials indicate ingress and egress. There was a brief discussion of how ADA compliance will be met and how the decks for the Idler and access to the dockside seating will work together.

Regarding refuse removal, Lewis has a letter from Reliable Disposal, stating that Lewis will be meeting with Reliable to sign a contract this week. Lewis mentioned some problems the Idler has had in the past regarding refuse, noting that last year when the Williams' Street project was done the area where the dumpsters had been was removed and a new pad has been placed for dumpsters,

In reference to lighting concerns, Lewis stated that new fixtures will be attached to the pilings; in line with what Old Harbor Village or what the city has put in along the streets. Lewis believes what he has referred to in the material provided, indicates the type of lighting he proposes. There was a brief discussion of the issues regarding lighting adequate for dining that will not provide so much lighting that it would be annoying to neighbors and boaters.

Lewis brought up noise, explaining that he has worked with the city to keep noise issues to a minimum. Lighting will comply with the city's regulations. Liquor license is in transition to be approved when the sale is final.

Smith requested an explanation of the restroom plan. Lewis said the restroom building will be attached to the adjacent jewelry store and provides enough room for two full-size restrooms. There is also access to use the Old Harbor Village restrooms.

Bugge asked if the dock is 12' wide now; Lewis said that is correct and added that the group would like to extend the dock ten (10) feet; the actual build out size will be dependent on the city and government harbor lines.

Bugge asked whether there is handicap access to which Lewis responded, "Yes."

Frost requested information on how high the existing deck is; Lewis noted that the Idler deck is at street level and explained that there is room to extend the ramp to make it compliant with ADA guidelines.

Bugge asked about the cement ramp shown on the photographs; Lewis explained that the cement ramp is strictly for deliveries and does not comply with ADA restrictions. Due to confusion with the provided sketches, Bugge and Paull requested explanation regarding how the access would come from the existing Idler access.

Bugge asked if the new ADA compliant ramp will cover up some of the existing dock. Lewis said, no, the new deck/ramp will be designed so there will be dock space. Frost asked where the slips begin and Lewis indicated where that is on his drawing.

Bugge asked for more details on the garbage situation; Lewis said it has been an ongoing problem and described some of the issues dealt with in the past with location and pick-up. Lewis noted that there will be a contract signing on Monday to get garbage pickup. The new dining area will share the Idler dumpster.

After questions from the board regarding lighting issues, Lewis said the existing floodlights would still be in place for emergencies, but the new lighting would be more subtle.

Frost asked about whether this dining area will close earlier than the Idler. Lewis said this will be more of a dining experience and less of a bar experience. The intention is not to run it as late as the Idler. Last year he had conversation with the City regarding noise and complying with the ordinance. Part of the gray area is the difference between seating time and closing time. Their idea is to close at 10:00 on weeknights and 11:00 on weekends but not to necessarily close the dock at those times.

After a question from Bugge regarding the speakers, Lewis noted that speakers would be needed for background music but he will try to keep it less noisy than the Idler.

Chairperson Paull asked for other comments from the public.

John Marple, Old Harbor Village; General Manager of the Old Harbor Inn. Tonight, Marple clarified, he represents the Old Harbor Village condominium association. Marple stated, "In principle the association believes this proposal would be a compatible use even though we

are right next door to the proposed dockside seating. Marple noted that the inn has ten hotel rooms that would be directly affected by this proposed use. "In the past we have had tremendous problems with noise and with drunks, not just from the Idler, but from throughout the entire downtown area." Marple noted that those ten hotel rooms generate between \$200 plus up to \$400 plus per night. Marple also asserted that the condominium group has nineteen owners; these are individual investors with certain expectations. Marple stated that in the past year or so, the cooperation between the Idler with the Village has been excellent. Marple thinks the various entities can have very compatible use of the area. "Without placing some restrictions on this special use, however, it has the potential to be extremely detrimental to these investors and to me earning a living."

Marple listed several concerns he included in his memo to Anderson dated April 8; parking, hours of operation and access, among others. Marple stated that the Planning Commission and the city need to take a serious look at all of these concerns.

Mike Paul, co-owner of three (3) units at Old Harbor Village, all of which are business units at ground level concurred with Marple's ten (10) items and added three (3) more items: 1.) Pedestrian entrance/walkways need to be clarified and clearly marked; Paul does not want lines of waiting patrons backed up on Old Harbor Village property. 2.) The smoking ban affected condominium owners and users; smokers walk around smoking and hanging out in the private condominium areas. A plan review needs to include a designated smoking area on the restaurant property. 3.) Get rid of the fish cleaning station and note that the roof ties into condominium property. The condo association would like the roof extension eliminated and the roof returned to its original design. Finally, the restaurant needs restroom facilities of its own, and not the condominium association restrooms. "We, as an association, spent over \$12,000 refurbishing our restrooms. Now we have tremendous cost in supplies and maintenance. City doesn't reimburse us a penny. Idler doesn't reimburse us a penny."

Mr. Hummel owns a slip three (3) positions west of the Idler. Stated that the proposal makes a very nice addition to what the harbor can look like. Requested that the commission take the nearby slip owners into consideration when considering this proposal.

Marsha Hummel owns a slip three (3) positions west of the Idler. Expressed appreciation for the village and the plantings and storefronts. "If the two parties could work together we could have a space where a family could sit down on the water and have a dining experience." Mentioned that when the Three Pelicans went out the city lost that. Stated that South Haven is a beautiful town, until you get past the Idler and it looks like a dump. The area is not taken care of so there could be some real benefits if all parties can work together and solve their concerns.

Marple thanked the chairman and asked the commission to seriously consider the concerns of Old Harbor Village which are outlined in the memo the commission received. He pointed out the mixed uses within the neighborhood. All uses need to be properly protected and retained. Stated this area could be like the Mermaid in Saugatuck; noted that he does need to represent the investments of the condo association folks tonight. Stated that he knows that there can be restrictions put on an approval that would protect the interests of those concerned. Noted that the harbor lines were generated when he worked for the city. Believes that property can be extended to the harbor lines. Noted that the Army Corps may disagree, but that was certainly our intent when we created the city harbor lines a few years ago. Stated, "We're not in opposition; we just want to be properly protected."

Paul gave the applicant permission to return to the podium.

Bob Lewis, Applicant. Noted that he was aware of some concerns and he could go through them point by point, if that would be the wish of the commission. Understands that we have mixed uses. "We have neighbors and we have to be good neighbors." Understands the

concerns regarding the hours of operation, noted that seating or vacating can be two different things. Thinks this could be good for the town and for the inn to have a facility for their guests to go down to.

Mike Paul noted that Marple does forewarn his guests that it is an entertainment district. Stated that he thinks that is a nice way to promote the general area between us (Old Harbor Village Inn) and Captain Lou's, up to Joe's Bar and so on. .

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

Paull opened discussion among the members of the commission.

Smith: Likes the proposal; parking has to wait for Zoning Board of Appeals.

Bugge: Voiced concern as to whether the ordinance permitted outdoor seating in the waterfront area. Outdoor dining is not specifically listed but restaurants are listed. She also pointed out that staff has made a suggestion that a rezoning to Central Business District for this area would be more appropriate and would eliminate the parking issue. Noted that while the commission might all enjoy going there and like the idea, it has to fit and rezoning may be the best option.

Paull: Questioned the binder (*presented by applicant at the meeting*) with information that was not in the original application, relative to seating capacity. There has been more info requested that has not been received.

Lewis said that he could have given a number of potential diagrams. There is no way we can build out before the season starts. Once we know where the harbor lines are, we could do more, but for now the request is for use of the existing docks.

Paull noted that there are some approvals necessary before this Planning Commission makes any approval. There are issues unresolved related to parking, seating capacity, restroom size and even whether the drawings are accurate. It is assumed there needs to be complete rebuilding due to condition of the existing docks. This is a very incomplete plan for this commission to approve or act upon. Harbor Commission and Zoning Board of Appeals still need to weigh in on this. Recommended postponing approval of this until June because of the harbor lines, zoning, etc. Paull and Bugge recommended that the applicant seriously consider rezoning the property as an alternative.

Bugge, Miles and Frost concur with the rezoning recommendation.

Motions by Bugge to postpone a decision until the Harbor Commission and Zoning Board of Appeals have made their decisions. Second by Miles.

All in favor. Motion carried.

Bugge asked the applicant the height of the roof supports on the docks. Lewis stated he believes they are 7'.

## **8. Discussion of proposed Corridor Overlay Zoning Ordinance**

**Available planning commission members have been meeting for the past weeks to review and refine the Corridor Overlay Zone text. This overlay text applies to nonresidential properties adjacent to the M-43/I-196 business loop through the city. It is intended to standardize signage, landscaping and setback standards in 3 distinct areas of the corridor. This overlay zone does not change existing zoning nor does it**

**alter application procedures. The ordinance does not require any changes to existing commercial properties. Compliance with the ordinance will occur only as businesses are rebuilt or major modifications to the properties occur.**

Anderson explained that in working on the concept, the group could not come up with one neighborhood type so divided the corridor into three (3) areas, eliminating the residential areas which are exempt. Anderson referred to the packet which indicates the various areas, identified as A, B and C. The illustrations from our Progressive AE consultant will be cited and included in the document once the text is in final draft form.

After the Planning Commission is satisfied with the document Anderson will have the City Attorney review it and then have an open house, perhaps an hour before a regularly scheduled meeting. The meeting would then include a public hearing. Anderson will send letters to all business owners along the corridor, stressing that if this ordinance is adopted it will only affect businesses and only then when major change or redevelopment occurs on a property.

Paull emphasized that this overlay district is like a vision of where this area may be in ten to twenty years. If you drive and look at this area, it is already in transition. Considerations will be what kinds of transition will occur and what kinds of regulation will be needed as that happens. These are the rules that will need to be followed when things begin to transition.

Smith asked for confirmation that no major change to existing businesses will occur. Anderson said there is a table as part of the ordinance that explains when compliance is required. Underlying zoning stays the same; this is intended to bring some standardization to the various areas along the corridor. The city is working on a separate project which includes changes to public and pedestrian areas along the corridor.

Paull enjoyed working on this project because it is bringing together a vision he's had for many years, especially the M-43 corridor where the Wellness Center and SH Health Systems are located.

Frost asked whether staff started with a template. Anderson said it was a combination of several she worked on and others she found. The city also worked with a consultant who assisted in the text and graphics. Frost noted the specifics regarding trees and asked about the types of trees and percentages of trees; Anderson said we have a tree ordinance and much of what is here mirrors that; the city arborist will also review that part of the document.

Bugge said the islands shown in the illustrations need to be labeled as it is difficult to tell what is what.

Paull said the next steps are review by counsel, and the arborist. Anderson said after that the commission may decide on an open house and public hearing schedule.

## **9. Discussion of possible amendments to the sign ordinance relating to nonprofit organizations in residential zones.**

Paul said this came about because of a request to the zoning board of appeals (ZBA) for the historical society to place a monument sign on residentially zoned property. Such signs are not permitted in residential zones. Following that agenda item, the ZBA noted that this type of sign variance has been before them in the past and all requests have been approved.

The members then agreed that a request should be made to the planning commission to consider an amendment to the zoning ordinance to allow administrative review of nonprofit/institutional signs instead of requiring a variance hearing before the ZBA. If the planning commission members are in agreement, staff will start working on it. Smith said requests for these non-conforming signs come up a lot and he agrees with the proposal.

Paull wants this to be signs for community amenities only; nonresidential uses that are permitted in the residential zones. Paull noted that residential zones allow for these amenities but not for signs for them.

No formal action needed; draft amendment will be brought to the planning commission for a hearing when ready. Anderson asked for volunteers to help work on the amendment.

## **10. Proclamation for Dick Brunvand**

Motion by Bugge, second by Miles to support the proclamation that has been written for Dick Brunvand, a former member and chair of the Planning Commission.  
All in favor. Motion carried.

## **11. Commissioner Comments**

Smith: Recalled that the commission approved a little used car lot recently and asked if anyone has driven by after dark. Anderson stated wall lights were installed and in compliance but the other lights do not seem to comply.

Bugge said the lights on the new Marina Building are not in compliance.

Anderson will check on both light issues.

Anderson: At the June meeting the planning commission will hear amendments to the sign ordinance and a rezoning request from the Local Development Finance Authority/Brownfield to rezone a city property from I-1B to I-1.

Anderson: As a result of a Zoning Board decision late last year concerning an easement and a private drive, the city attorney, who was at that meeting, drafted definitions that would protect the city from falling into this sort of situation in the future. That hearing will also be in June.

Bugge asked about a May meeting to which Anderson responded, "We may have an industrial site plan review coming in."

## **12. Adjourn**

Motion by Frost, second by Smith to adjourn at 8:20 p.m.  
All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



## Agenda Item #6 LDFA Rezoning Request

City of South Haven

**Background Information:** In January, 2013, the City of South Haven Local Development Finance Authority (LDFA) purchased 16.8 acres located at 220 Aylworth Avenue. The property is currently zoned I-1B, a classification created to allow for a proposed, specific use and is only found on the two (2) city owned parcels proposed for rezoning and one 2.7 acre parcel which is adjacent and privately owned. (The owner of the remaining 2.7 acre I-1B property has asked not to be part of the proposed rezoning.)

The planning commission has discussed this rezoning in the past and it was generally agreed that the city should eliminate the I-1B zoning and return to the original two (2) industrial classifications. This rezoning will further that objective.

**Recommendation:** Staff advises the planning commission to forward the rezoning request on to city council with a recommendation to rezone 220 Aylworth from I-1B Industrial to I-1 Industrial.

**Support Material:**

- Resolution from the LDFA requesting rezoning
- Proposed Ordinance
- Current Zoning Map

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

**LOCAL DEVELOPMENT FINANCE AUTHORITY  
OF THE CITY OF SOUTH HAVEN  
COUNTIES OF VAN BUREN AND ALLEGAN, MICHIGAN**

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**RESOLUTION NO. 2013-01**

**A RESOLUTION REQUESTING THAT THE PROPERTY AT  
220 AYLWORTH BE REZONED TO I-1 LIGHT INDUSTRIAL**

Minutes of a regular meeting of the Board of Directors of the Local Development Finance Authority of the City of South Haven, Allegan and Van Buren Counties, State of Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan, on February 11, 2013, at 4:00 p.m., local time.

Present, Boardmembers: Erdmann, Gawreliuk, Herrera, Kerber, Valentine, Varney

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Absent, Boardmembers: Bolt, Henry, Klavins, Lewis, Rainey

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The following preamble and resolution were offered by Boardmember Erdmann and supported by Boardmember Gawreliuk.

WHEREAS:

1. The Local Development Finance Authority (LDFA) has completed the purchase of the former Bohn Piston facility at 220 Aylworth Avenue.
2. The current zoning designation for the property was established to encourage an industrial development that did not occur.
3. The LDFA desires to change the zoning to be the same as that of adjacent parcels.

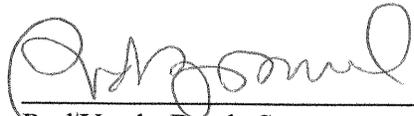
NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of South Haven Local Development Finance Authority hereby requests that the zoning of the property owned by the LDFA at 220 Aylworth Avenue (parcels 80-53-220-001-10 and 80-53-220-002-10) be changed to I-1 Light Industrial zoning.

AYES: Erdmann, Gawreliuk, Herrera, Kerber, Valentine, Varney

NAYS: -none-

RESOLUTION DECLARED ADOPTED.

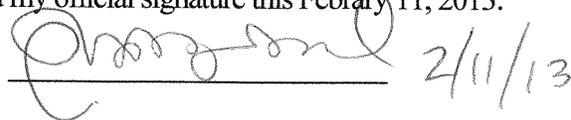
  
\_\_\_\_\_  
Paul VandenBosch, Secretary

**CERTIFICATION**

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF VAN BUREN)

I, Paul VandenBosch, the duly qualified and acting Secretary of the Board of the Local Development Finance Authority of the City of South Haven, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board at a meeting held on February 11, 2013, the original of which is on file in the office of the Local Development Finance Authority. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

IN WITNESS WHEREOF, I have hereto affixed my official signature this February 11, 2013.

  
\_\_\_\_\_  
Paul VandenBosch, Secretary

**CITY COUNCIL  
CITY OF SOUTH HAVEN**

Van Buren and Allegan Counties, Michigan

Council member \_\_\_\_\_, supported by Council member \_\_\_\_\_, moved the adoption of the following ordinance:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE OFFICIAL MAP OF THE SOUTH HAVEN  
ZONING ORDINANCE TO REZONE 16.8 ACRES FROM INDUSTRIAL I-1B TO  
INDUSTRIAL 1-1.**

The City of South Haven Ordains:

The following properties are rezoned from the Industrial I-1B to Industrial I-1:

220 Aylworth  
Parcel Number 80-53-220-001-10  
13.3 acres

1280 Kalamazoo  
3.5 acres  
Parcel Number 80-53-220-002-10

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: Council member(s) \_\_\_\_\_

NAYS: Council member(s) \_\_\_\_\_

ABSTAIN: Council member(s) \_\_\_\_\_

\_\_\_\_\_

ABSENT: Council member(s) \_\_\_\_\_

CERTIFICATION

As the City Clerk of the City of South Haven, Van Buren and Allegan Counties, Michigan, I certify this is a true and complete copy of an ordinance adopted by the South Haven City Council at a regular meeting held on \_\_\_\_\_, 2013.

Date: \_\_\_\_\_, 2013

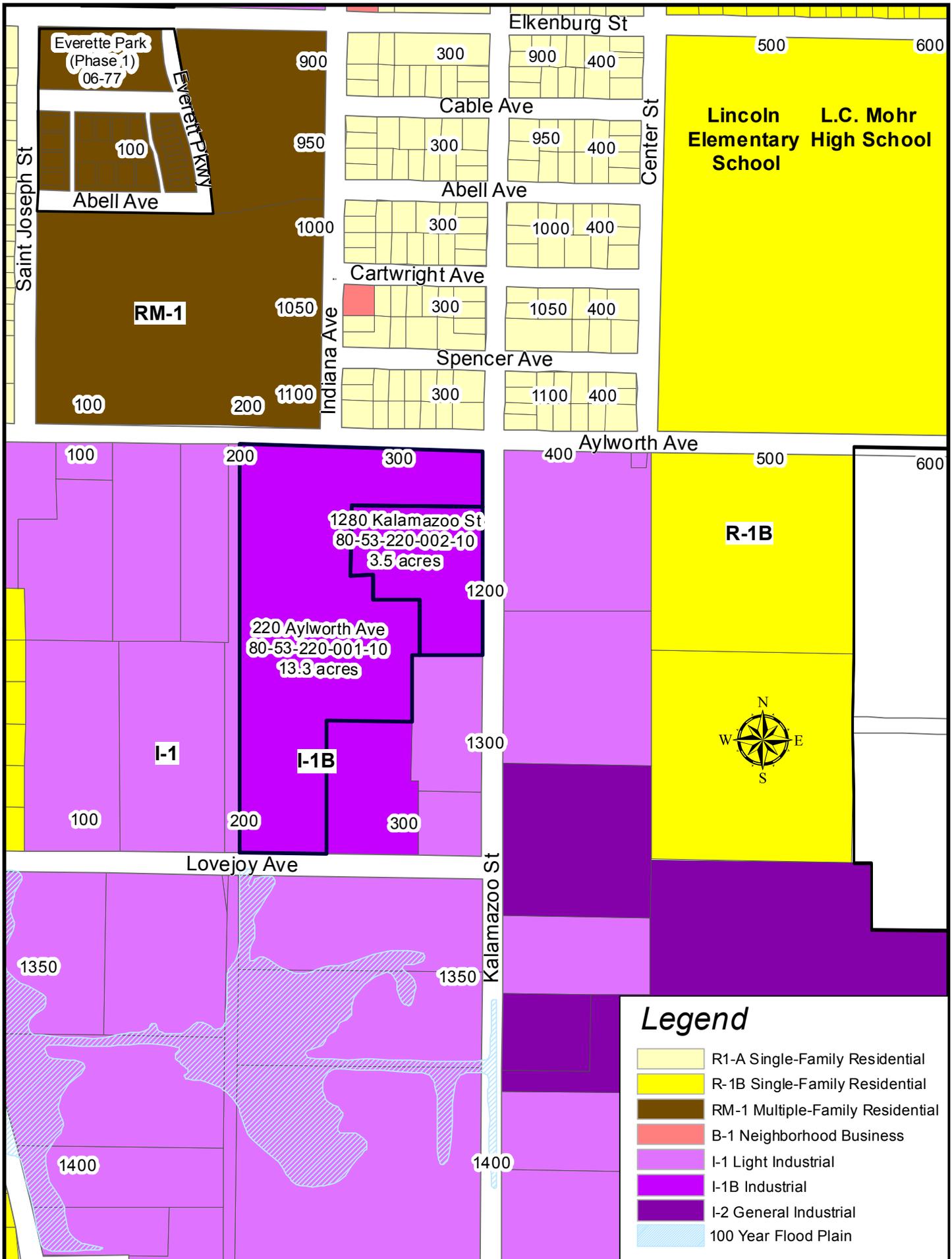
\_\_\_\_\_  
Amanda Morgan, City Clerk

Introduced: \_\_\_\_\_, 2013

Adopted: \_\_\_\_\_, 2013

Published: \_\_\_\_\_, 2013

Effective: \_\_\_\_\_, 2013





## Agenda Item #7 Amendments to Article II, Section 201 Definitions

City of South Haven

**Background Information:** In August of 2012, the zoning board of appeals (ZBA) heard a request for zoning ordinance interpretation involving private streets and easements. The interpretation was required in part because the zoning ordinance did not include definitions for easements and private streets.

Staff requested that the city attorney review the easement agreement under discussion and be present at that meeting. Following the meeting and at the request of the ZBA, the attorney prepared two (2) definition amendments to help the city avoid similar confusion in the future.

**Recommendation:** Staff advises the planning commission to forward the proposed ordinance amendments on to city council with a recommendation to adopt.

**Support Material:**

Proposed Ordinance Amendment

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

**CITY COUNCIL  
CITY OF SOUTH HAVEN**  
Van Buren and Allegan Counties, Michigan

Council member \_\_\_\_\_, supported by Council member \_\_\_\_\_, moved the adoption of the following ordinance:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 201 OF THE SOUTH HAVEN  
ZONING ORDINANCE TO DEFINE “EASEMENT” AND “PRIVATE ROAD”**

The City of South Haven Ordains:

Section 1. Amendment. Sections 201.5 and 201.16 of the South Haven Zoning Ordinance are amended to read as follows:

Sec. 201.5. “E”.

**Easement: An interest in land that entitles its holder to the limited use of another’s property for a specified purpose.**

Efficiency Unit: A dwelling unit consisting of one (1) room and having such facilities as kitchen, closets, bathrooms, and hallways in or immediately adjoining such room.

Erected: The word “erected” includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for a building or structure. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems; collection, telephone, communication, supply or disposal system; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, convenience or welfare of the public, but not including towers, or office buildings, substations, or structures which are enclosures or structures for service equipment, or maintenance depots.

Excavation: Any breaking of ground, except common household gardening and ground care.

Sec. 201.16. “P”.

Parcel: A lot described by metes and bounds or described in a recorded plat, or as used in Article XVI, a continuous area or acreage of land, which is under the same ownership at the time of the high-risk erosion area designation.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Spaces: An area of definite length and width used for the parking of a motor vehicle. Said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Permanent Foundation: As used in Article XVI, a foundation for a structure that includes all frost-free foundations as regulated by the building code as well as concrete block, poured

concrete, and slabs or other materials used to support the walls of a building, even if they do not extend down below the frost free line.

Permanent Structure: As used in Article XVI, any one (1) of the following structures that is erected, installed, or moved on a parcel of property:

1. A residential building.
2. A commercial building.
3. An industrial building.
4. An institutional building.
5. A mobile home.
6. Accessory and related buildings.
7. Septic systems.
8. Tile fields.
9. Other waste handling facilities.

A permanent structure shall be considered small if it has a foundation size of three thousand five hundred (3,500) square feet or less and less than five (5) individual living units. All other permanent structures shall be considered large. The term does not include recreational vehicles, travel trailers, or other recreational units. The term also does not include accessory structures, which have less than two hundred and twenty five (225) square feet, which are used for picnicking, storing of recreational, or lawn equipment, and which are constructed in a manner that facilitates easy removal. The accessory structure shall not have a permanent foundation and shall not be used as a residential facility.

Person: Means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space, and other land uses as provided in this Ordinance.

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

Plot Plan: A drawing showing the proposed placement of a new building, dwelling structure or use, or an addition to a building, structure, or use on a parcel of land. See Section 2102.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Principal Structure: As used in Article XVI, the main building on a lot or parcel, including but not limited to, residential, commercial, industrial, institutional structures and mobile homes. In the high-risk erosion areas described in this Ordinance, principal structure also includes septic systems, tile fields, any on-site waste handling facility, garages and any other building designed and intended for permanent use.

Principal Use: The primary or predominant use of any lot or parcel of land.

**Private Road: A private way or means of approach, other than an alley, right-of-way or easement, providing access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.**

Public Utility: A person, firm or corporation, municipal department, board or commission, duly authorized to furnish and furnishing under federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: Council member(s) \_\_\_\_\_

NAYS: Council member(s) \_\_\_\_\_

ABSTAIN: Council member(s) \_\_\_\_\_

ABSENT: Council member(s) \_\_\_\_\_

CERTIFICATION

As the City Clerk of the City of South Haven, Van Buren and Allegan Counties, Michigan, I certify this is a true and complete copy of an ordinance adopted by the South Haven City Council at a regular meeting held on \_\_\_\_\_, 2013.

Date: \_\_\_\_\_, 2013

\_\_\_\_\_  
Amanda Morgan, City Clerk

Introduced: \_\_\_\_\_, 2013

Adopted: \_\_\_\_\_, 2013

Published: \_\_\_\_\_, 2013

Effective: \_\_\_\_\_, 2013



**Agenda Item #8**  
**Amendments to Article XX, Sections 2001 and 2008,**  
**Signs**

City of South Haven

**Background Information:** In February of 2013, the zoning board of appeals (ZBA) heard a request for a zoning ordinance variance to allow a freestanding sign in a residential zone. The sign was requested by the Historical Society on Hubbard Street. The variance was granted but the ZBA members questioned the requirement for non-profit or institutional land uses in residential zones to always go to the ZBA for such signs. The members asked that the planning commission review the requirements for signs in residential zoning districts and consider making such sign approval administrative.

The planning commission subsequently discussed the matter and asked staff to proceed with a text amendment.

**Recommendation:** Staff advises the planning commission to forward the proposed ordinance amendments on to city council with a recommendation to adopt.

**Support Material:**

Proposed Ordinance Amendment

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

**CITY COUNCIL  
CITY OF SOUTH HAVEN**

Van Buren and Allegan Counties, Michigan

Council member \_\_\_\_\_, supported by Council member \_\_\_\_\_, moved the adoption of the following ordinance:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 2001 AND 2008 OF THE SOUTH HAVEN ZONING ORDINANCE TO ALLOW FOR INSTITUTIONAL SIGNAGE IN RESIDENTIAL ZONES**

The City of South Haven Ordains:

Section 1. Amendment. Sections 2001 and 2008 of the South Haven Zoning Ordinance are amended to read as follows:

**ARTICLE XX  
SIGNS**

**SECTION 2001. DEFINITIONS**

**Institutional Signs:** A sign, which by symbol or name, identifies an institutional or not-for-profit use permitted in a residential zoning district and may also provide the announcement of services or activities to be held therein.

**SECTION 2008. PERMITTED SIGNS**

All signs in this Section shall require a building permit and comply with the regulations set forth in this Article.

<b>1. Signs permitted in the R-1A, R-1B, R-1C, R-2 and RM-1 Districts</b>		
<b>Wall signs for residences with 6 or fewer units</b>		
Number	1 per lot or parcel	
Size	2 sq. ft. maximum	
Location	Attached anywhere on the front of the structure below the second floor level and within eight (8') feet of the front wall of the structure.	
<b>Wall signs for home occupations</b>		
Number	1 per lot or parcel	
Size	2 sq. ft. maximum	
Location	On the wall facing the street.	
<b>Wall signs for multiple-family complexes having 6 or more units, and nonresidential uses</b>		
Number	1 per lot or parcel	
Size	12 sq. ft. maximum	
Location	On the wall facing the street.	
<b>Subdivision entry signs</b>		
Number	2 per development.	
Size	32 sq. ft. maximum per sign	
Location	Less than 16 sq. ft.	Minimum 2 ft. from any property line
	More than 16 sq. ft.	Minimum 8 ft. from any property line
Height	6 ft. maximum	

<b>Signs for bed and breakfast establishments</b>		
Number	Freestanding	1 per establishment
	Wall	1 per establishment
	No establishment may have both a wall and a freestanding sign.	
Size	RM-1	32 sq. ft. maximum
Location	Freestanding	Minimum 8 ft. from any property line
	Wall	On the wall facing the street.
<b>Signs for Institutional Uses</b>		
Number	Freestanding	1 per parcel except on a corner lot where 1 sign is permitted on each street front
	Wall	1 per parcel except on a corner lot where 1 sign is permitted on each street front
	An establishment may have both a wall and a freestanding sign on any street front	
Size	Freestanding	30 square feet; height not to exceed 5 feet
	Wall	20 square feet; height not to exceed 4 feet
Location	Freestanding	A minimum of 5 feet from the street right-of-way or the average setback of the residences on both sides, whichever is more restrictive
	Wall	No more than 20 feet above the average grade of the wall on which the sign is placed
Lighting	No internal lighting. Any external lighting fixtures used to illuminate a sign shall be mounted on top of the sign structure and directed and shielded such that no light rays are emitted beyond the sign display area. Lights shall be turned off between the hours of 11:00 PM and 7:00 AM.	



## Agenda Item #9 Special Use Request for Café Julia

City of South Haven

**Background Information:** The owner of Café Julia, Jay Marcoux, has applied for a special use permit to construct an outdoor patio area for seasonal dining at the Huron Street restaurant. The proposed area is in the rear of the property, toward Dyckman Park and the city parking lot. The proposed area will include tables, chairs and grills. This request involves only private property, so no license agreement or approval by the downtown development authority is required.

**Recommendation:** Staff recommends approval of the special use permit for Café Julia.

**Support Material:**

Completed application w/ site 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: 5-1-13 Applicant: CAFÉ JULIA - JAY MARCOUX  
(If applicant is not the owner of the subject property, a letter granting said applicant authority is required.)

Applicant Address: 561 Huron St. (Business) 37 Third St. - Home

Applicant Phone Numbers: 269-639-7988 Julia's PSC-269-637-3600, cell-269-214-6991

Applicant e-mail: Jay Marcoux Jay@PhoenixStreetCafe.com, cafejulia@icik.com

Subject Property Address: 561 Huron St.  
(A legal description and survey of the subject property is required to be submitted with this application.)

Zoning District: Downtown

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

Special Use Section Number: \_\_\_\_\_

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 Jay T. Marcoux Date: 5-1-13

**Fee due with application: \$400.00**

Rev. 11/09

**GENERAL INFORMATION**

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Case Number.....2013-0010-SU

Date of Plan Commission.....06.6.2013

Applicant.....Jay Marcoux of South Haven, MI

Request .....A special use permit to add outdoor dining at 561 Huron Street  
(Café Julia) per zoning ordinance section 601-3.

Location .....561 Huron Street

Parcel Number .....80-53-503-027-00

Size.....Downtown Property/0.1 acre

Street Frontage.....45 feet on Huron

Current Zoning.....Central Business District (CBD)

Proposed Zoning.....No change

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

Current Land Use.....Restaurant

Contiguous Land Uses.....North: Public (parking lot)  
South: Commercial  
East: US Post Office  
West: Public (parking lot)

Comp Plan Designation .....Commercial

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**CHARACTER OF THE AREA**

The Subject Property is located in the downtown area. The character of the area is a mix of retail commercial with restaurants, parking lots and Dyckman Park. The character of the area is consistent with the current zoning and future land use classification in its central business use.

**DEVELOPMENT PROPOSAL**

Jay Marcoux is asking for a special use permit to allow outdoor seating at his restaurant on Huron Street. The seating will be on private property so no city licensing is necessary, only a special use permit. The café will also use outdoor grills for some food preparation.

**PUBLIC RESPONSE**

N/A

**EVALUATION**

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

**Section 1510.34. OUTDOOR SIDEWALK CAFÉ**

1. **Locational requirements** – Outdoor Sidewalk Cafes on city public space are permitted by special use permit as an accessory use to food establishments and eating or drinking places which are located in a structure on private property, including restaurants, delicatessens, cafes, or similar establishments.
  - A. Outdoor Sidewalk Cafés are permitted by special use permit in the CBD district.
  
2. **Application, review and licensing requirements** – an outdoor sidewalk café is operated on property owned by the City Of South Haven. The South Haven City Council has the sole authority to enter into a license agreement to use city-owned property.
  - A. A special use permit application shall be submitted to the planning commission for review and approval. The planning commission shall use the standards, restrictions and conditions of the outdoor sidewalk café license agreement in the review of the special use permit.
  - B. The Downtown Development Authority (DDA) shall review photographs of all outdoor sidewalk café furniture and report its approval or rejection of the design to the planning commission prior to planning commission approval of the special use permit.
  - C. An outdoor sidewalk café shall not begin operation until the applicant has entered into an outdoor sidewalk café license agreement with the South Haven City Council.
  
3. **General restrictions, standards and conditions** – the outdoor sidewalk café shall meet the restrictions, standards and conditions of the license agreement as approved by city council. All furniture used in the outdoor sidewalk café shall have been approved by the Downtown Development Authority.
  - A. Operation of an outdoor sidewalk café without a license agreement or in a manner in violation of or inconsistent with an outdoor sidewalk café license agreement shall be considered a zoning violation and shall be subject to a civil infraction.
  - B. The use of furniture in an outdoor sidewalk café that has not been approved by the Downtown Development Authority shall be considered a zoning violation and shall be subject to a civil infraction.

*The proposed site of the sidewalk café is in the CBD zoning district.*

*No city council license agreement is required for this application as the seating proposed for this café is on private property. The requested special use permit is the only additional permit/approval needed.*

**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.
- 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 to 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.

*This special land use request will have minimal impact on the surrounding area. It involves exterior alteration including fencing and outdoor grills. The outdoor seating area will not encroach on pedestrian traffic and will be seasonal. The style of outdoor furniture does not need to be approved by the DDA because the area is private property. We do not anticipate that the approval of this special use will create increased demand on city services or facilities.*

*The current adopted City Master Plan does not specifically address outdoor dining in the CBD but it does state that efforts should be made to entice residents and visitors into the downtown. The appeal of outdoor dining may encourage people visiting the downtown to stay and dine.*

*The special use application review, in conjunction with the required state construction code permits, provides conformity assurance for local, state and federal laws.*

### **RECOMMENDATION**

The special use request is becoming increasingly common in the CBD. The Planning Commission needs to review the case summary and determine if this application for a special use permit meets the intent of the City. Staff recommends approval of the special use permit.



## Agenda Item #10

1022 Phoenix Street

Special Use Permit Request for a Home occupation

City of South Haven

**Background Information:** Becky Snyder is requesting a special use permit to offer therapeutic massage in her home. Ms. Snyder has completed training in massage and is state licensed. The application complies with all zoning ordinance regulations for home occupations.

**Recommendation:** Staff recommends approval of the request provided that no compelling evidence is presented at the public hearing which would indicate the use would be detrimental to the neighborhood.

**Support Material:**

1. Completed application w/narrative
2. Aerial photo of property
3. Case Summary prepared by staff

Respectfully submitted,

Linda Anderson  
Planner/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: 5.2.2013 Applicant: Becky Snyder, LMT  
(If applicant is not the owner of the subject property, a letter granting said applicant authority is required.)

Applicant Address: 1022 Phoenix St., South Haven, MI 49090

Applicant Phone Numbers: 269.312.3027 or 269.767.7660

Applicant e-mail: beckyskky@gmail.com

Subject Property Address: 1022 Phoenix St, South Haven, MI  
(A legal description and survey of the subject property is required to be submitted with this application.)

Zoning District: R-1B Residential

Type of Special Use Requested: Home occupation - Massage therapist  
(A scaled site plan for the subject property is required to be submitted with this application.)

Special Use Section Number: 401-11

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 Becky Snyder Date: 5.2.13  
**Fee due with application: \$400.00**

5-1-2013

City of South Haven

To Whom It May Concern,

I wish to apply for a Special Use Permit for opening a Massage Therapy office at my residence of 1022 Phoenix Street, South Haven, Michigan. As well as graduating from Everest Institute with a 4.0 in massage therapy, I also have training in providing Ashiatsu Massage, which is performed with bare feet as I balance myself with bars suspended from above for support. This form of massage has been deemed as the Deepest, most luxurious massage on the planet. My nearest competitor for this form of massage is in Battle Creek, Michigan. If you wish to know more about this massage, you may visit [www.deepfeet.com](http://www.deepfeet.com), the website of the creator of this new massage technique.

Due to the nature of a massage therapy office, there shall be minimal to zero disturbance to the surrounding neighbors as only one client will visit the office per appointment time, therefore traffic will not be an issue. My residence has a 3 car garage (that will not be used for clients) in the back with a large driveway to provide ample parking, however, there will only be one client vehicle accessing the driveway at any given time.

As a massage therapist, I strive to provide the highest level of tranquility as to enhance the massage experience, therefore, there will be no noises or nuisances to interfere with the surrounding neighbors.

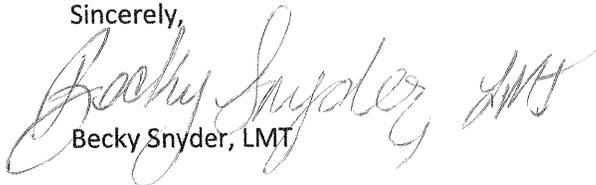
The residence does not require any alterations for a massage therapy office and will not impose any increased demands on public facilities. Office space does not require more than 10 percent of the floor space as it occupies only 1 room and the residence is over 2000 sq. feet. No machinery will be required and no stock will be available to purchase.

I, Becky Snyder, LMT, will be the sole employee of the massage therapy office.

I will be power washing the residence as well as touching up the chipping paint. I understand a 2x2 foot sign can be mounted flush to the residence. Flowers and a few lawn decorations will also enhance the look of the residence.

I thank you for your consideration and look forward to bringing this new form of massage to the wonderful City of South Haven.

Sincerely,



Becky Snyder, LMT

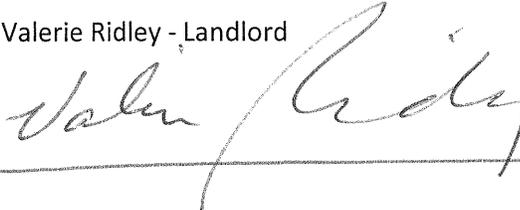
5-1-2013

To Whom it May Concern,

Becky Snyder has permission to use the residence she leases at 1022 Phoenix Street, South Haven, Michigan, for the use of a massage therapy office.

Thank you.

Valerie Ridley - Landlord



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BETH McAlear OWNER  
Elyabeth McAlear

### 2007 ORTHO AERIAL MAPS

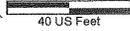
Showing Parcel Lines and Labels



2007 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2007. The 'best resolution' of these images is 1.0 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.

-  2007 Digital Orthophotograph
-  Municipal Name Municipal Border
-  Railroads
-  Public Roads
-  Property Lines
-  Subdivision Lines
-  Condominiums Lines

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**AGENDA ITEM #10  
SNYDER SPECIAL USE APPLICATION  
GENERAL INFORMATION**

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Case Number.....SLU2013-0011

Date of Plan Commission.....06.06.13

Applicant .....Becky Snyder

Request .....A special use permit to operate a home occupation (massage therapy)

Location ..... 1022 Phoenix Street

Parcel Numbers.....80-53-420-045-00

Size.....30,492 sq. feet (0.7 ac.)

Street Frontage ..... 100 feet on Phoenix Street

Current Zoning .....R-1B Residential

Proposed Zoning.....No change

Contiguous Zoning .....North: R-1 B Residential  
South: R-1 B Residential  
East: R-1 B Residential  
West: R-1 B Residential

Current Land Use.....Single family residential

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

Comp Plan Designation ..... Single Family Residential

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**CHARACTER OF THE AREA**

The subject property is in an area of single family homes on lots similar or smaller in size to the Snyder lot. The character of the area is consistent with the current zoning and future land use classification.

**DEVELOPMENT PROPOSAL**

The applicant is proposing to operate a therapeutic massage business in her home. She is a Licensed Massage Therapist. The area proposed is less than ten percent (10%) of the home living space. She will be the only therapist working at this location and will be in operation by appointment only.

**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.

**Section 401-11. R-1B Zoning District Use Regulations**

11. Home occupations, as defined in section 201, and which meet the requirements which follow, are not required to obtain a special use permit, all others are only permitted when authorized as a special land use by the planning commission according to the standards in b., which follow:
  - B. In considering authorization for a special use permit for a home occupation, the planning commission shall ensure compliance with the following standards and those in Article XV:
    - 1) Said home occupation shall not exceed ten (10) percent of the gross floor area of any floor of the residential structure.
    - 2) There shall be no alteration in the residential character or function of the premise in connection herewith nor shall any garage or parking area be used in connection herewith.
    - 3) An identification sign shall not exceed two (2) square foot in area and shall be mounted flush to the main structure.
    - 4) The sale of a commodity or stock in trade sold or stored upon the premises shall only be incidental to the specific home occupation.
    - 5) No person not residing on the premises shall be employed in connection with the home occupation.
    - 6) There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
    - 7) No home occupation shall be permitted to be established or continued when the same is objectionable as determined by the planning commission due to noise, dust, smoke, odor, vibrations, light, traffic congestion, reduction of the living environment, or other impacts detrimental to the neighborhood in which it is located.

*The proposed use is consistent with the district regulations for home occupations. The applicant has addressed the above issues in the narrative submitted with her application. She has also expressed interest in placing the allowed 2 square foot identification sign on the building wall.*

**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.

*The proposed home occupation will not change the primary use or appearance of the residence. The property has a large off-street driveway which will be adequate to support any additional customer parking needed.*

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

*The proposed use will have little or no impact on the neighborhood with the exception of single customer parking. Since the applicant will be the only person working in the home, no more than one customer at a time will be present.*

- 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.*

- 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 goals chapter recommends, "In-home businesses should be encouraged in the city provided that increased traffic, noise or other annoyances do not negatively affect the surrounding neighborhood".*

*This request meets an economic goal of the Master Plan.*

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

*No change is proposed to the subject property. The aerial photo shows an adequate off-street parking area.*

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

*The applicant has completed training and received state licensing for her profession.*

- 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 application includes all necessary information for a proposal of this type.*

**RECOMMENDATION**

While staff has no reluctance in the approval of the special use request, the planning commission needs to review the case summary and determine if this application for a special use permit meets the intent of the city and, if it does, include any conditions they feel necessary.