



**CITY OF NEW BUFFALO  
REGULAR PLANNING COMMISSION AGENDA  
September 5, 2023 AT 5:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Previous Minutes – April 4, 2023
6. Public Comment
7. Public Hearing
  - a. 30 W. Buffalo Street (11-62-0340-0248-00-7) Special Land Use for massage services in the Central Business District
8. New Business
  - a. 30 W. Buffalo Street (11-62-0340-0248-00-7) Special Land Use for massage services in the Central Business District
  - b. Zoning Map Review
9. Commissioner Comments
10. Adjournment

The Regular Planning Commission Meeting on April 4, 2023 was called to order by Vice-Chair Joseph at 5:33 p.m.

The Pledge of Allegiance was led by the Planning Commission.

**Roll Call:** Member Schmidt, Rau, McCollum, Joseph

**Absent:** Billingslea

**Staff Present:** City Manager; Darwin Watson, City Clerk; Amy Fidler

**Approval of Agenda:** Motion by Member Rau, seconded by Member McCollum to approve the agenda:

Voice Vote, Motion Carried.

**Approval of Previous Minutes: March 21, 2023:** Motion by Member Schmidt, seconded by Member Rau to approve the March 21, 2023, Rescheduled Regular Planning Commission meeting minutes.

Voice Vote, Motion Carried.

Public Comment: None

**Public Hearing:** 16 N. Smith Street (11-62-0340-0280-00-8) Special Land Use Request for a residential dwelling.

**Vice-Chair Joseph opened the public hearing at 5:35 p.m.**

Public Comment: None

Property owner, Jacob Moore presented his project to the Planning Commission.

**Vice-Chair Joseph closed the public hearing at 5:40 p.m.**

#### **New Business**

**16 N. Smith Street (11-62-0340-0280-00-8) Special Land Use Request for a residential dwelling:** Motion by Rau, seconded by Schmidt to approve the Special Use Permit application for Project #2.27.2023, referred to as 16 N. Smith Street as presented:

Roll Call Vote:

AYES: Rau, Joseph, McCollum, Schmidt

NAYES:

ABSENT: Billingslea

ABSTAINED:

Motion Carried, 4-0.

April 4, 2023

REGULAR PLANNING COMMISSION MEETING

5:30 p.m.

**Adjournment:** Motion by Member Rau, seconded by Member Schmidt to adjourn the meeting at 5:48 p.m.

Voice Vote

Motion Carried.

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Mark Joseph, Vice-Chair

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Amy Fidler, City Clerk



# City of New Buffalo

Zoning Board of Appeals Meeting: September 5, 2023

**Applicant:** Christine Frisch  
Prana/Life Studio

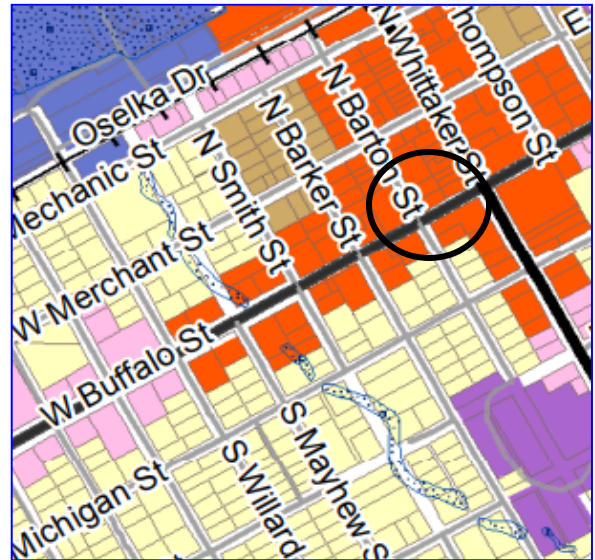
**Request:** Special Land Use Permit/Site Plan Review – Fitness Studio/Massage Therapy


**Ordinance Section(s):**  
Section 10-2 - #27 & #28 – CBD District  
Section 17-1 – Standards for Special Land Use Approval  
Section 19-9 – Standards for Site Plan Review

**Property:** 30 W Buffalo

**Zoning:** “CBD” Central Business District

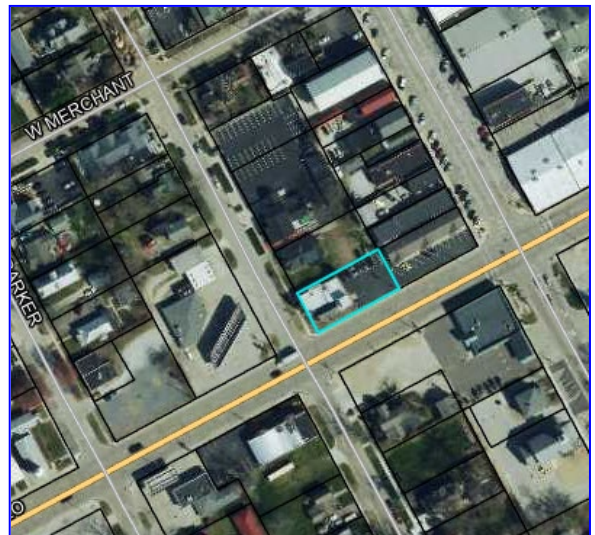
Zoning Map



 CBD Central Business District

## ☐ Application Overview

- The subject property is 8712 sq ft in area and is provided 66 ft of frontage on N Barton and 132 ft of frontage on W Buffalo. The subject site is a lawful conforming corner lot.
- The surrounding area is zoned CBD and is occupied by commercial land use.
- The subject property is currently occupied by a vacant 1.5-story commercial building and related site improvements.
- Applicant proposes occupancy of the existing commercial building by a fitness studio, including massage therapy. No changes to the building exterior or site are proposed.





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## Zoning Board of Appeals Meeting: September 5, 2023

- Section 10-2 #27 establishes a *health/fitness club* as a 'permitted use' within the CBD; Section 10-2 #28 establishes *massage services* as a special land use within the CBD.
- **Applicant requests Special Land Use Permit/Site Plan Review for the proposed occupancy of the existing commercial building at 30 W Buffalo by a fitness studio, including massage therapy.**

### ☐ Site Plan Review

**Note: A site plan was not submitted. Beacon – Berrien County, MI was referenced to determine zoning compliance where possible.**

### Section 10-3 D. CBD District Development Standards

Standard	Required/Allowed	Existing/Proposed
Lot Area	8,000 sq ft	8712 sq ft
Lot Width	66 ft	66 ft
Building Height	35 ft	<35 ft
Front Setback		
Principal FL – N Barton	None	0 ft
Secondary FL – W Buffalo	None	10 ft
Side Setback		
East (commercial use)	10 ft (min)	65 ft
North (commercial use)	10 ft (min)	~ 8 ft
Rear Setback	N/A	
Lot Coverage	70% (max) – 6098 sq ft	~ 6600 sq ft

### Section 3-24 – Lighting

- Building lighting is existing/proposed. Lighting shall not be directed horizontally; **compliance cannot be confirmed.**

### Section 15-2 – 15-9. – Parking & Loading Requirements

#### Access:

- A two-lane driveway on W Buffalo provides direct access to the site; no change is proposed.
- The subject property also enjoys cross access (and the use of a second driveway) with the property adjacent to the east; no change is proposed.



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### Parking:

- [5 spaces/1000 sq ft gross floor area required]
  - 2250 sq ft / 1000 sq ft = 3 x 5 = 15 parking spaces required
  - 18 parking spaces provided; **layout of parking spaces provided requires confirmation (including approved cross parking arrangements)**
- 1 b.f. parking space required; 2 b.f. parking spaces existing
- 9 ft x 20 ft parking spaces required; **compliance cannot be confirmed**
- 24 ft drive aisle width required; **compliance cannot be confirmed**
- A paved drive/parking area surface is existing; no change to the existing drainage design is proposed.
- No parking lot lighting is existing/proposed.

### Loading/Unloading:

- 1 loading/unloading space is required (may occur within the public road r.o.w. within the CBD); **compliance cannot be confirmed**

### Landscaping

- Screening and/or fencing is not required nor is it existing/proposed on the site.
- The subject site exceeds the maximum lot coverage allowed; however, existing lot coverage is not proposed to be increased and the open space available on the site consists largely of landscaping.

### Refuse Disposal

- A refuse disposal proposal has not been detailed; **compliance cannot be confirmed.**

### ☐ Special Land Use Review

### Section 220-20-3. – Standards for Special Land Use Approval

1. **Consistency with the Master Plan:** The Future Land Use Plan classifies the subject property/area as Mixed Use, 'most typically found in the Downtown and generally characterized by retail/service uses with buildings located near sidewalks and parking located at the rear of the building' . . suggesting the proposed commercial re-occupancy is consistent with the Plan.
2. **Compatibility:** The subject site is in an area of commercial zoning/land use and is occupied by a commercial building. The proposal constitutes the re-occupancy of the commercial building with no change to the exterior of the building or to



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## Zoning Board of Appeals Meeting: September 5, 2023

- the site, including pedestrian or vehicular circulation patterns . . suggesting no change to the function of the site or character of the area.
3. **Adequacy of Public Services:** The proposed building re-occupancy will not increase/alter the site's existing demand on public facilities/services.
  4. **Natural Environment/Public Health, Safety & Welfare:** The proposed use (fitness studio, including massage therapy) will operate within an enclosed building; will not involve modification to the site; and, will not include activities that generate nuisance impacts (e.g., traffic, noise, odor, smoke).
  5. **Promote Public Interest:** A fitness studio, including massage therapy, is a common use allowed within commercial/downtown areas.
  6. **Compliance with Local, State, Federal Regulations:** Noted
  7. **Pedestrian/Vehicular Safety:** No change to the existing access/parking lot and sidewalk network is proposed.

### ☐ Summary of Findings

- ☐ The following site plan details are required to confirm the proposed re-occupancy will comply with all applicable provisions of the Zoning Ordinance:
  - Building lighting specifications
  - Parking lot layout and parking space/drive aisle dimensions
  - Loading/unloading proposal
  - Refuse disposal proposal
- ☐ Upon receipt of the noted site plan details and a confirmation of compliance with the Zoning Ordinance, the Planning Commission may grant **Special Land Use Permit/Site Plan Approval of the proposed occupancy of the existing commercial building located at 30 W Buffalo by a fitness studio, including massage therapy**, based upon a finding that it meets the specific standards of the CBD and the criteria for special land use approval set forth in Section 17-2 and site plan approval set forth in Section 19-9, Zoning Ordinance.
- ☐ Suggested conditions of approval:
  1. Submission of a complete and current site plan.



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2. Any proposed signage for the subject site shall comply with applicable ordinance requirements and be reviewed/approved through the sign permit process.
3. City Fire Department review/approval.
4. City DPW review/approval.