



City of New Buffalo  
Planning Commission Special Meeting  
June 15, 2020 at 5:00 p.m.

**Agenda**

1. Call to Order, Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Previous Meeting Minutes- January 7, 2020
5. Public Comment
6. Old Business
7. New Business
  - Dooley's Site Plan Review, 310 W. Buffalo Street, 11-62-0340-0283-00-7
8. Commissioner Comments
9. Adjournment

City of New Buffalo Planning Commission Regular Meeting was called to order by Chair, Paul Billingslea, at 7:03 pm in the City Hall Council Chambers at New Buffalo City Hall, 224 West Buffalo Street, New Buffalo, MI 49117.

The Pledge of Allegiance was led by the Commission.

**Roll Call:**

Present: Chair, Paul Billingslea; Members: Mark Joseph, Roxanne Lauer, Don Stoneburner

Absent: Bill McCollum

Staff Present: City Manager, David Richards; City Clerk, Amy Fidler; Deputy Clerk, Nancy Griffin; Councilmember, Mark Robertson

**Approval of Agenda**

Motion by Member Lauer, seconded by Member Joseph to approve the agenda.

Unanimous 4-0, Motion Carried.

**Approval of Previous Meeting Minutes**

Motion by Member Stoneburner, seconded by Member Lauer to approve the Special meeting minutes of December 3, 2019.

Unanimous 4-0, Motion Carried.

**Public Comment:** None

**Public Hearing**

- a. Site Plan Review/Special Land Use Application, 1112 E. Clay
  - 11-62-8200-0203-04-4
  - 11-62-8200-0206-02-7
  - 11-62-8200-0207-04-0
  - 11-62-8200-0207-02-3

Evan LaDuc of Abonmarche Associates, representing New Buffalo Area Schools presented the variance request in detail to the Commission, including a new STEAM (Science, Technology, Engineering, Arts, Mathematics) building, retention pond, pavilion with restrooms, additional pickleball courts and parking and updates to the basketball court, tennis courts, skateboard park, parking etc. New Buffalo Area Schools is requesting for 68% of the property be hard surface.

- b. Site Plan Review/Special Use Permit, 19 N. Whittaker
  - 11-62-0340-0237-00-5

Patrick Warner presented the plan to the Commission, regarding the expansion of the patio outside seating area and a fence including the addition of seven tables and 28 chairs.

### **Old Business**

None

### **New Business**

- a. Site Plan Review/Special Land Use Application, 1112 E. Clay
  - 11-62-8200-0203-04-4
  - 11-62-8200-0206-02-7
  - 11-62-8200-0207-04-0
  - 11-62-8200-0207-02-3

Motion by Member Stoneburner, seconded by Member Joseph to approve the site plan review/special land use application, 1112 E. Clay allowing for additional lot coverage. Unanimous 4-0, Motion Carried.

- b. Site Plan Review/Special Use Permit, 19 N. Whittaker
  - 11-62-0340-0237-00-5

Motion by Member Lauer, seconded by Member Joseph to approve the site plan review/special use permit, 19 N. Whittaker for the expansion of the patio with a fence. Unanimous 4-0, Motion Carried.

- c. Site Plan Review, 825 S. Whittaker
  - 11-62-8200-0307-02-8

Jason Vandenbrink and Bryan Rieger, representing Ozinga, presented the site plan in detail to the Commission. The plan is to build a compressed natural gas (CNG) station in front of the existing Ozinga location, for motor vehicles that are powered by methane in order to fill a gap in the Department of Energy's MtoM (Michigan to Montana) corridor. The station will use the existing entrance along with an additional entrance/exit with landscaping and fencing allowing vehicles to enter and exit without going through the city. The station will NOT have any outside storage tanks or a convenience store. It will operate on a 24-hour basis and be unattended for use with credit cards or fleet cards only. Fire extinguishers and shutoffs will be available to the Police and Fire Departments in case of an emergency. Ozinga confirmed the plan was approved by the Police and Fire Departments who requested additional shutoffs. Providing electric charging stations is part of a future plan. City Manager, Richards, commented the public would be disappointed if the charging stations were not included.

Motion by Member Joseph, seconded by Member Lauer to approve the site plan review for 825 S. Whittaker for the building of a CNG station.

Unanimous 4-0, Motion Carried.

**Commissioner Comments**

None

**Adjournment**

Motion by Member Joseph, seconded by Member Stoneburner to adjourn the meeting at 7:43 pm.

Unanimous 4-0, Motion Carried.

NG.

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Paul Billingslea, Chair

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Ann M. Fidler, City Clerk



## STAFF REPORT

### Dooley's Lake House Pub

**Meeting Date:** June 15, 2020

**Project Number:** 6.15.20

**Project Name:** Dooley's Lake House Pub Site Plan Review

**Applicant:** John and Coleen Dooley, 38 N. Whittaker Street. New Buffalo, MI 49117, 269-469-2247

**Property Location:** 310 W. Buffalo Street, New Buffalo, MI 49117, #62-0340-0283-00-7

**Dimensions:** 100x135 or 13,500 SF

**Proposed Use:** Shed Style Patio Bar

**Zoning:** 310 W. Buffalo Street – Central Business District (CBD)

**Action Requested:** Site Plan Review

### OVERVIEW

The applicant requests approval of a Site Plan to construct a Shed Style Patio Bar within an approved outdoor dining area. Article 19, Section 19-2 of the City's Zoning Ordinance specify site plan review standards. The site plan submitted in conjunction with this application notes the proposed 24'x16' stick built structure to be located adjacent to the existing structure on the west end.

#### Section 19-6, A, General Information

The application submitted is complete.

#### Section 19-6, B, Site Analysis/Project Impact

The drawings as submitted satisfy the requirements of this section.

#### Section 19-6, C, and 19-9, Site Plan Information and Approval Standards

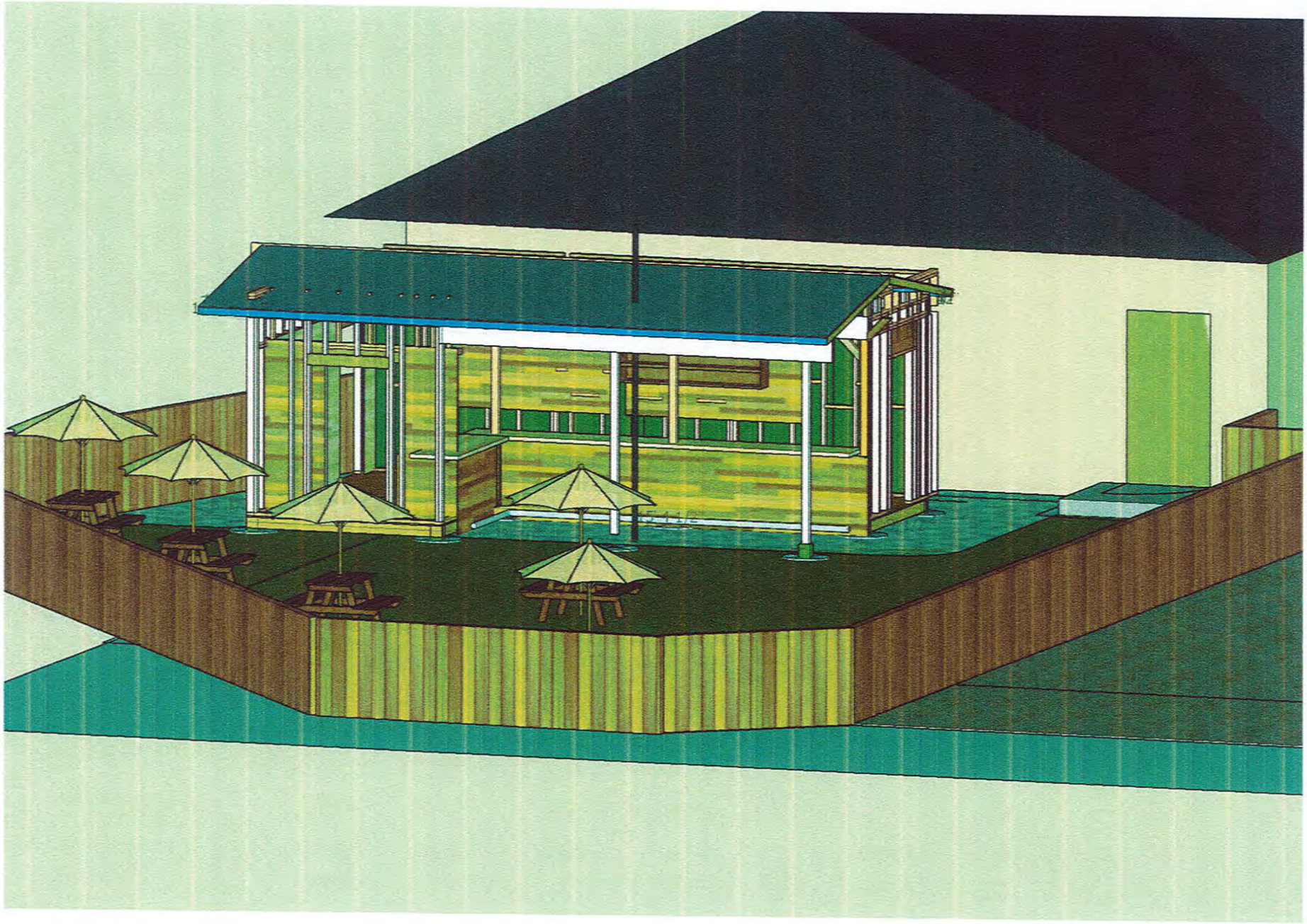
The drawings as submitted satisfy the requirements of this section. The project is within the set back requirements of the Central Business District.

**FINDINGS/RECOMMENDATION**

After review of the application materials, confirmation of the facts reported, site inspections and evaluation of the site plan review criteria, it is recommended the Site Plan for Project #6.15.20 referred to as Dooley's Lake House Pub Site Plan Review be approved as submitted.

Respectfully,

David Richards, City Manager



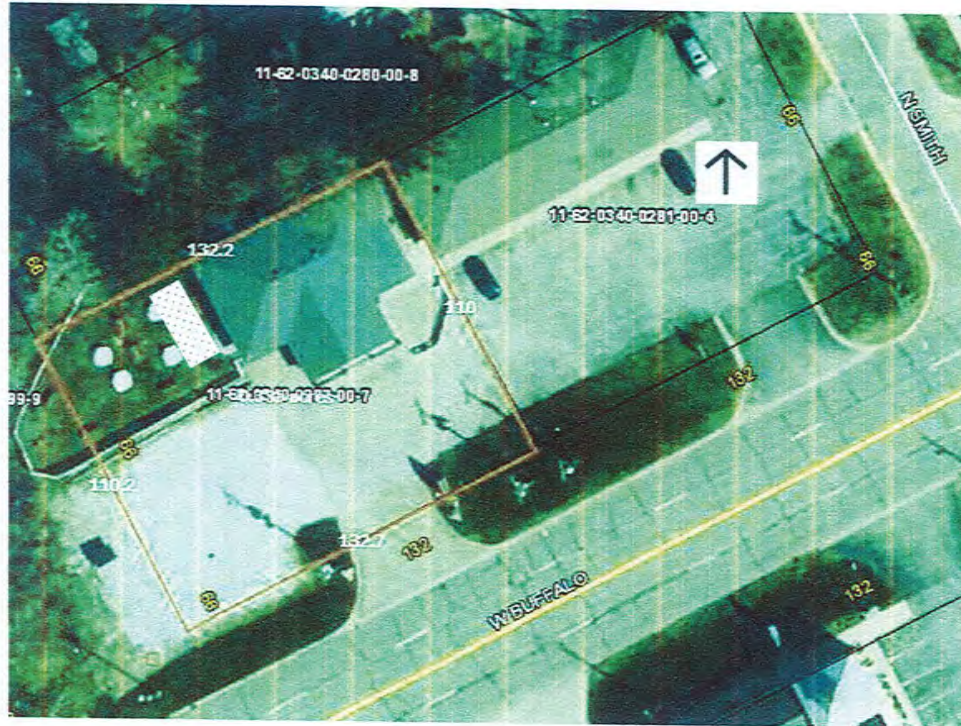
# Dooley's Lake House Pub

"A Shed Style Patio Bar in Section 09 of New Buffalo City, Berrien County Michigan"

Owner: John Dooley

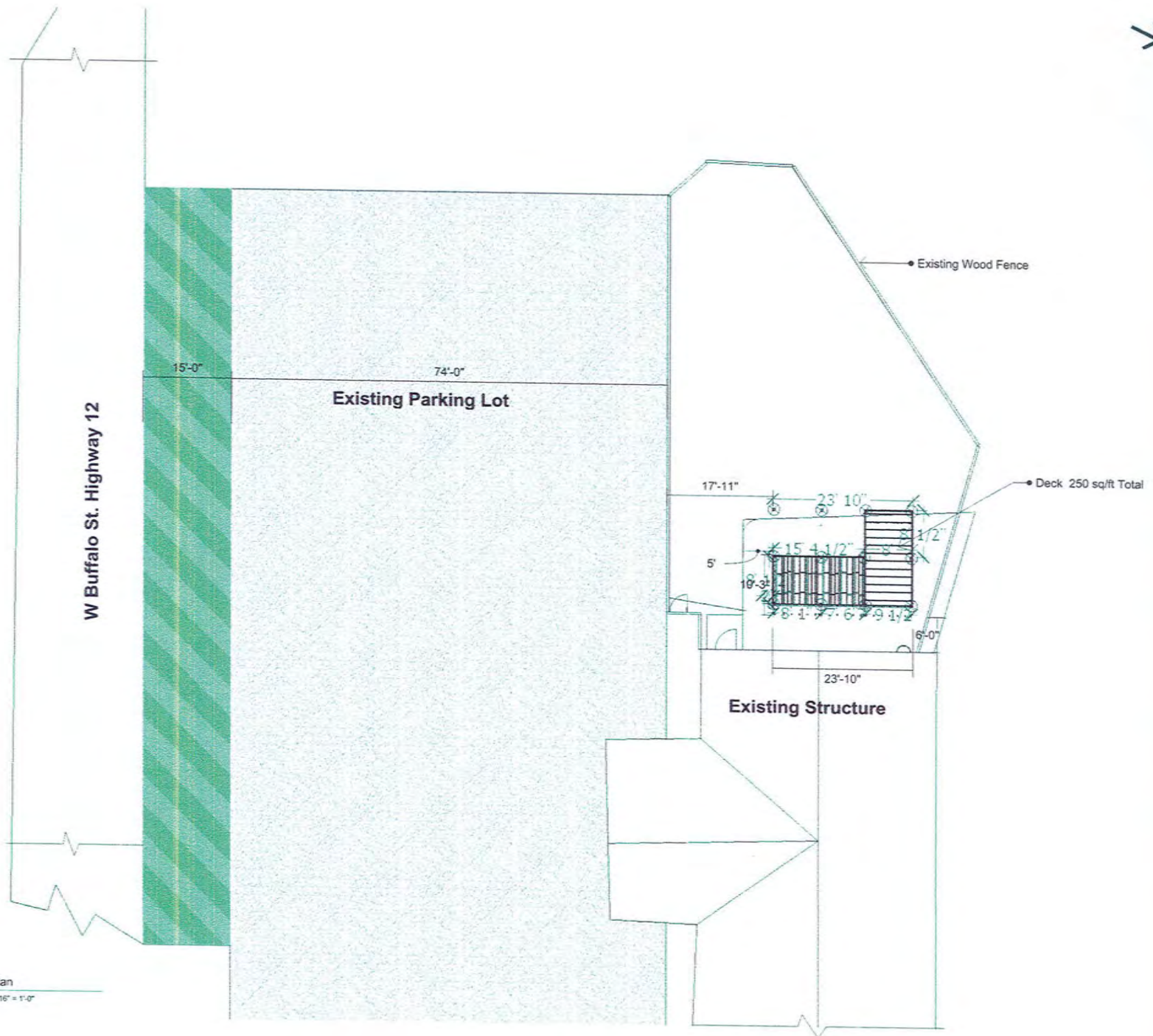
Address: 310 W Buffalo St,  
New Buffalo, MI 49117

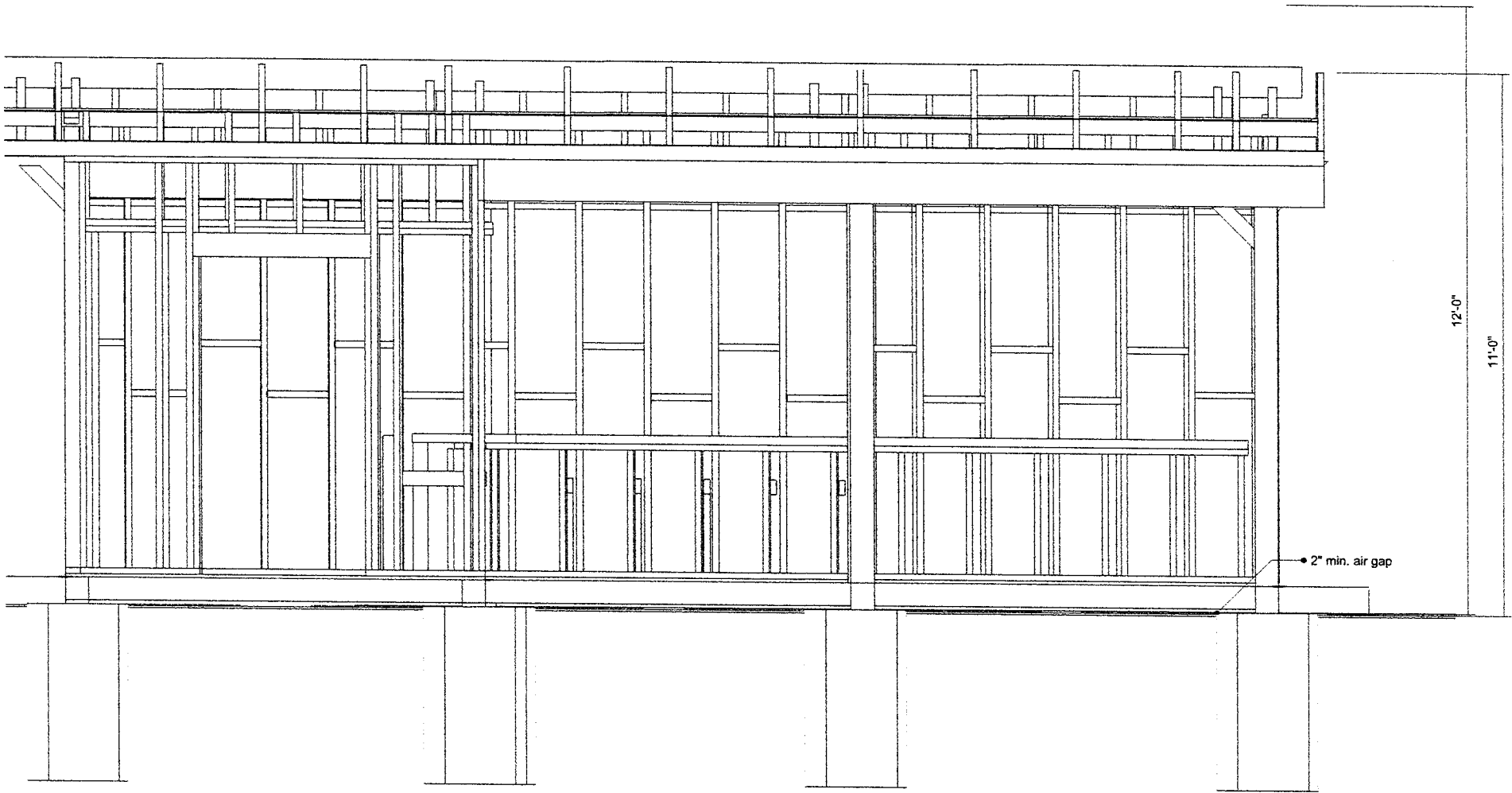
Tax EIN:



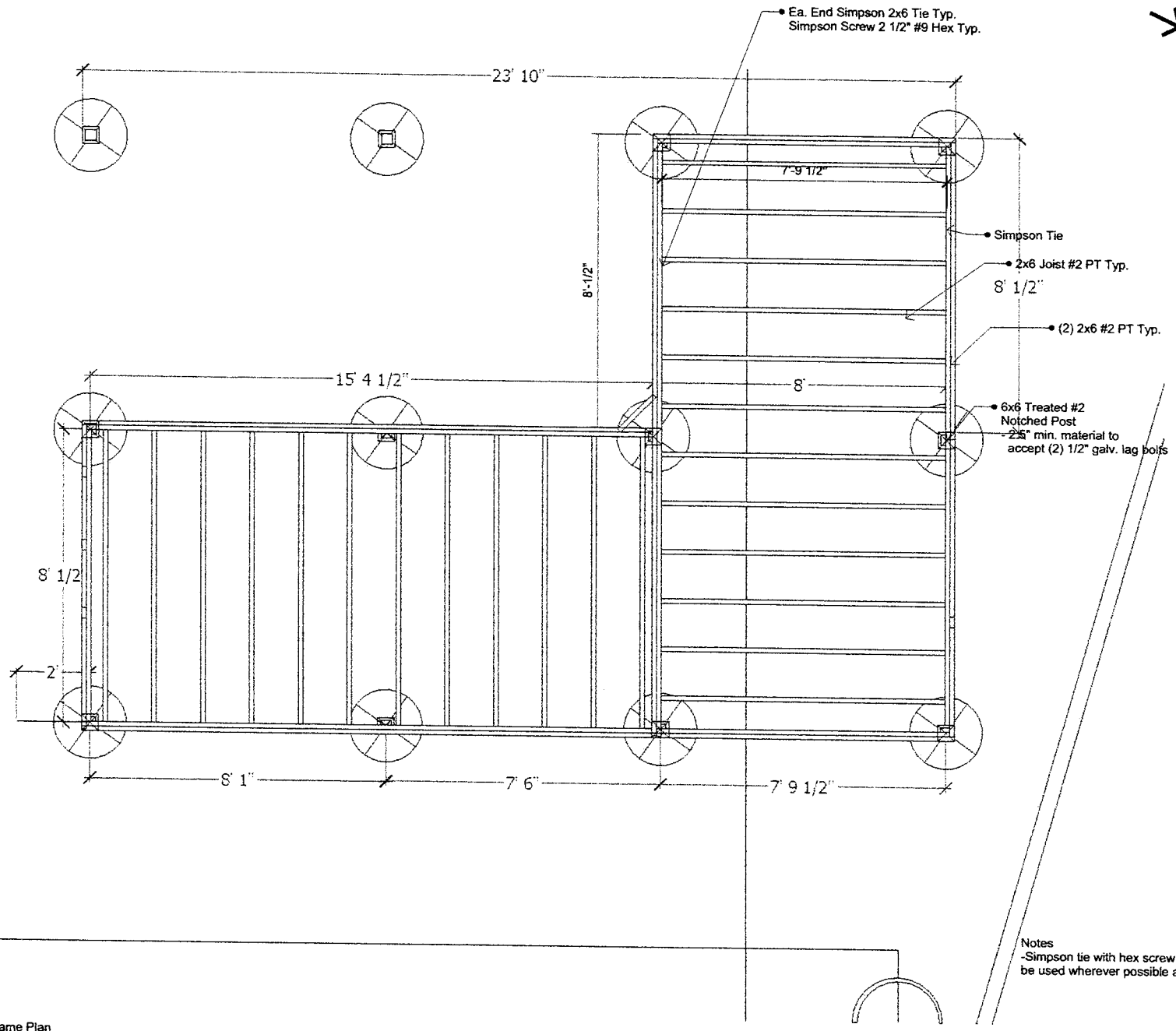
Beacon Schneidercorp	
Cityname	Berrien
FIPS CO	21
ID	1261
Perimeter	102841.7353
Range	21W
Shape	102841.735687919000
Length	
StateCty	26021.0
Town	08S
Town Range	08S21W







04 Front Elevation  
S Scale:



• Ea. End Simpson 2x6 Tie Typ.  
Simpson Screw 2 1/2" #9 Hex Typ.

• Simpson Tie  
• 2x6 Joist #2 PT Typ.  
8' 1/2"  
• (2) 2x6 #2 PT Typ.  
• 6x6 Treated #2  
Notched Post  
- 2 5/8" min. material to  
accept (2) 1/2" galv. lag bolts

Notes  
-Simpson tie with hex screw fasteners to  
be used wherever possible and expected.

03 Deck Frame Plan  
S Scale:



Overview



Legend

- Railroads
- Roads
  - <all other values>
  - Interstate
  - Major Arterial
  - Minor Arterial
- Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-0340-0283-00-7	Alternate ID	n/a	Owner Address	CEA RE INVESTMENTS
Sec/Twp/Rng	n/a	Class	201		& BRICKER JOHN
Property Address	310 W BUFFALO ST	Acreage	n/a		
	NEW BUFFALO				
District	11200				
Brief Tax Description	LOTS 7 & 8 BLK 24 VILL PLAT OF NEWBUFFALO EXC THAT PTTAKEN FOR HWY PER MR33 PG447				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 6/8/2020  
 Last Data Uploaded: 6/8/2020 1:05:09 AM



Summary

Parcel Number 62-0340-0283-00-7  
 Property Address 310 W BUFFALO ST  
 NEW BUFFALOMI 49117  
 Brief Tax Description LOTS 7 & 8 BLK 24 VILL PLAT OF NEW BUFFALO EXC THAT PT TAKEN FOR HWY PER MR33 PG447  
 (Note: Not to be used on legal documents)  
 Class 201  
 School District 11200  
 Map # 009-2  
 Acres 0.00  
 Liber/Page 2775 2021  
 Plate Number 85REWRITE

Owners

Owner CEA RE INVESTMENTS  
 & BRICKER JOHN  
 Tax Payer

Valuation

Year	Assessed Value	State Equalized Value	Taxable Value
2019	\$73,500	\$73,500	\$73,500
2018	\$85,300	\$85,300	\$80,817
2017	\$79,800	\$79,800	\$78,923

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Last Data Upload: 6/8/2020 1:05:09 AM

Developed by



Version 2.3.62



City Staff Use Only	Project Name
	Project Number
	Review Fee Paid
	Escrow Fee Paid

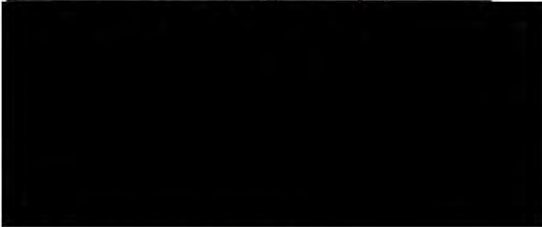

**APPLICATION TO: PLANNING COMMISSION ZONING BOARD OF APPEALS**

224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917


**Instructions: Fill-in all blanks and 'X' applicable boxes ( ). Incomplete applications cannot be processed.**

**I. Applicant and Owner Information**



A) Applicant(s) principal contact:

Name John Dwoley  
 Address   
 Telephone 

E) Property owner(s) principal contact:

Name John Bricker  
 Address \_\_\_\_\_  
 Telephone 

B) Applicant(s) secondary contact:

Name Colleen Dwoley  
 Address   
 Telephone 

F) Architect (if applicable):

Name X/A  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_

C) Agent or Attorney (if applicable):

Name X/A  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_

G) Engineer (if applicable):

Name X/A  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_

D) Is the property held in Trust\*:

Yes - Answer below No No - Skip below  
 Name of Trust \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_

H) Applicant is (check one):

- Property owner
- Attorney
- Agent
- Engineer
- Other: \_\_\_\_\_

\* Trusts: Provide an attached statement from the trustee verifying the names of all the beneficial owners.

**II. Purpose of Application**

A) This application is a request for the following action:

Rezoning of Property

Subdivision Approval

Site Plan Approval

Rezoning Amendment

Variance(s) Approval

Special Use Approval

Lot Split – Subdivision or Land Division

Other: \_\_\_\_\_

B) The reasons for the requested action(s) are as follows:

*We are building a temporary structured bar in our back garden.*

*To obtain a permit*

C) The specific section(s) of the City Zoning Ordinance or City General Ordinances which addresses the amendment, variance, or other action which is being requested:

D) The following two questions are only for applications which contain a request for a zoning variance:

1. Are the conditions which prevent the development of the property the result of action by an individual who has or had a property interest in the subject property:      Yes      No

2. If the conditions were self-imposed (not hardship), explain why the variance should be granted:

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

310 W. Buffalo St.  
New Buffalo MI 49117

B) Legal description (attach an additional sheet if necessary):

[Redacted area with blue scribbles]

C) Permanent Real Estate Tax Identification Number:

D) Parcel Size: ~~296~~ 13,500 Square feet  
0.3099 Acres  
135 Dimension of lot frontage  
100 Dimension of lot depth

E) What are the current land uses and zoning on the property and the adjoining properties:

	Current zoning	Current land use
1. On Site:	CBD	Restaurant/Bar
2. Adjoining property:		
a) North of Site	WFM R-1	R-1
b) South of Site	CBA	US12
c) East of Site	CBD	CBD
d) West of Site	GLD	GLD

F) Describe any existing structures or other improvements and physical attributes of the site:

The structure will sit squarely 6ft from buildings. In fenced in yard.



**IV. Description of the Proposed Development**

A) Please describe the proposed use of the land and/or building assuming approval of the request:

The structure is intended to be an outdoor sewer station structure and bar

B) What is the proposed time frame for the build-out of this development: \_\_\_\_\_

C) For each intended use please fill-in the number of buildings, square footage of each building, the total square footage of the development, and the required number of parking spaces; as well as the number and size of the water and the sewer connections:

Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1						
Two Family R-2						
Mufty-Family R-3						
Central Business CBD						
Gen. Commercial GCD	1	250				
Waterfront Marina WM						
General Industrial I-1						
TOTAL						

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have:

- 1) Average daily traffic count for the proposed development: \_\_\_\_\_
- 2) Peak traffic flow count for the proposed development: \_\_\_\_\_
- 3) How many lineal feet of roadway is proposed to be developed: \_\_\_\_\_
- 4) How many cul-de-sacs will be constructed as part of this project: \_\_\_\_\_
- 5) How many curb cuts to City, County or State roads are proposed: \_\_\_\_\_

E) Does the request contemplated in this application concern any hazardous materials:  
 No      Yes – describe the type and quantity of materials (attach extra pages if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

V. Attachments

- A) \_\_\_\_\_ Plat of Survey with legal description.
- B)  Site plan of proposed use of project showing traffic patterns, parking locations and court, drainage patterns including detention areas, landscaping plans, exterior lighting locations and illumination pattern, building facade portrait and building size and location dimensions.
- C) \_\_\_\_\_ Floodplain map (engineer's drawing or FEMA map showing location of subject property).
- D) \_\_\_\_\_ Application fee in the amount of \$ \_\_\_\_\_.
- E) \_\_\_\_\_ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) \_\_\_\_\_ Application for permits (specify type):
  - 1) Michigan DOT \_\_\_\_\_
  - 2) County Road Commission \_\_\_\_\_
  - 3) County Health Department \_\_\_\_\_
  - 4) State Dept. of Public Health \_\_\_\_\_
  - 5) Michigan DEQ \_\_\_\_\_
  - 6) Others \_\_\_\_\_
- G) \_\_\_\_\_ Sand Dune Permit for Construction (if applicable).

VI. Additional Information - Please describe the reasons this petition should be granted and include any additional comments or pertinent information (attach additional pages if necessary):

The structure is being built partly  
due to covered and utilizing the  
out door area for social distancing  
with fresh air.

**VII. Signature and Declaratory Statement**

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their application is to be considered. Failure of the applicant or designee of the applicant to appear may postpone consideration of the application by the Planning Commission or ZBA.

B) Declaratory Statement:

I, John Dooley, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified members of the City of New Buffalo's Planning Commission or Zoning Board of Appeals to visit the site(s) referenced in this application.

C) Applicant Signature: [Signature] Date: 6-11-2020

D) Notary Public Certification Statement:

I, \_\_\_\_\_, Notary Public in and for the State of Michigan this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: \_\_\_\_\_

**VIII. City Staff Review**

A) Fire Department approval of Site and Building Plans, except for single family dwellings: This application and associated documentation must be reviewed by the Fire Chief or his designee, which can be arranged by calling the Fire Department: 269-469-4993.

Review Date: \_\_\_\_\_

Approval: Yes No Signature: \_\_\_\_\_

Conditions: Attached None Title: \_\_\_\_\_

B) Note to applicant: The original application must be filed in the Office of the Zoning Administrator, where the following signatures are required for verification that this is a complete and valid application to be considered by the Planning Commission or the Zoning Board of Appeals.

Building Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Initial meeting date: \_\_\_\_\_

