



City of New Buffalo
224 W. Buffalo Street
New Buffalo, MI 49117
REGULAR PLANNING COMMISSION AGENDA
July 12, 2022 5:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Previous Minutes- June 28, 2022
6. Public Comment
7. New Business
 - a. Planning Commission Request Resolution (Zoning Board of Appeals)
8. Commissioner Comments
9. Adjournment

The Special Meeting for June 28, 2022 of the New Buffalo City Planning Commission was called to order by Chair Billingslea at 5:30 p.m.

The Pledge of Allegiance was led by the Planning Commission.

Roll Call: Member Schmidt, Rau, McCollum, Joseph, Chair Billingslea

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

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

Voice Vote, Motion Carried.

Approval of Previous Minutes: April 5, 2022: Motion by Member McCollum, seconded by Member Schmidt to approve April 5, 2022 meeting minutes.

Voice Vote, Motion Carried.

Public Comment: None

Public Hearing

Public Hearing on 207 N. Whittaker Street – Special Use request for a restaurant with an outdoor seating area was opened by Chair Billingslea at 5:32 p.m.

Ben Holland, owner of 207 N. Whittaker spoke in detail regarding his project. Seating capacity would be approximately 300 seats. (100 inside, 143 outside, 50 seats on the covered second floor). The restaurant would offer 17 parking spots onsite. The onsite plus available community parking equal 172 parking spaces. (The zoning requirement for commercial business district parking requirement is 171 parking spaces).

Public Comment: Dan Buie, resident of Dunescape, stated he is concerned about noise, parking, and traffic. He has been in contact with Ben Holland and has discussed his concerns, and will continue to stay in touch with the owner.

Public Hearing on 207 N. Whittaker Street – Special Use request for a restaurant with an outdoor seating area was closed by Chair Billingslea at 6:27pm.

New Business

207 N. Whittaker Street – Special Use request for a restaurant with an outdoor seating area: Motion by Member Joseph, seconded by Member McCollum to approve the special request for outdoor seating at 207 N. Whittaker Street:

Roll Call Vote:

AYES: Rau, Joseph, McCollum, Schmidt, Chair Billingslea

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

207 N. Whittaker Street – Site Plan Review: Motion by Member McCollum, seconded by Member Rau to approve the site plan review for 207 N. Whittaker Street:

Roll Call Vote:

AYES: McCollum, Rau, Schmidt, Joseph, Chair Billingslea

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

Adjournment: Motion by Member McCollum, seconded by Member Joseph to adjourn the meeting at 6:55 p.m.

Voice Vote

Motion Carried.

af

Paul Billingslea, Chair

Amy Fidler, City Clerk

**CITY COUNCIL
CITY OF NEW BUFFALO
Berrien County, Michigan**

Council member Flanagan, supported by Council member Robertson, moved the adoption of the following resolution:

RESOLUTION 2022-11

**A RESOLUTION TO REFER A PROPOSED ZONING ORDINANCE AMENDMENT
ADDRESSING THE COMPOSITION OF THE ZONING BOARD OF APPEALS TO THE
PLANNING COMMISSION FOR CONSIDERATION AT ITS MEETING ON JULY 12, 2022**

WHEREAS, the Michigan Zoning Enabling Act, Section 125.3601 (3) states, “a zoning board of appeals shall be composed of not fewer than 5 members if the local unit of government has a population of 5,000 or more or not fewer than 3 members if the local unit of government has a population of less than 5,000; and

WHEREAS, the number of members of the zoning board of appeals shall be specified in the zoning ordinance; and

WHEREAS, Article 21, Section 21-2 of the New Buffalo Zoning Ordinance states, “the Board of Appeals shall consist of seven members, one of whom shall be a citizen member of the Planning Commission with appointment by the City Council coinciding with that person’s term on the Planning Commission, and six members who shall be appointed by the City Council; and

WHEREAS, the City Council believes that it would be in the best interest of the city for the Planning Commission to review and make a recommendation on the composition of the Zoning Board of Appeals; and

WHEREAS, the Michigan Zoning Enabling Act, MCL 1125.3401(3), authorizes the City Council to “refer any proposed [zoning] amendments to the [planning] commission for consideration and comment within a time specified by the legislative body.”

NOW, THEREFORE, the City Council resolves as follows:

- A. The Planning Commission consider the composition of the Zoning Board of Appeals at its regularly scheduled July 12, 2022 meeting.
- B. The Planning Commission is specifically directed to consider a motion to recommend to the City Council that the Zoning Board of Appeals be reduced to five (5) members.
- C. If the motion described in the preceding paragraph does not carry, the Planning Commission is further directed to prepare and submit a report to the City Council, by July 31, 2022, with alternate recommendation on the composition of the Zoning Board of Appeals. If the Planning Commission recommends no change to the composition, the Planning Commission shall prepare a report that shall, in general terms, provide its justification for no change.
- D. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Yeas: Council member: Robertson, Lijewski, Flanagan, Mayor Humphrey

Nays: Council member:

Abstain: Council member:

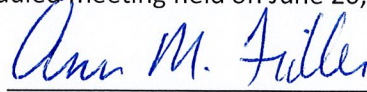
Absent: Council member: O’Donnell

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its Clerk, I certify that this is a true and complete copy of a resolution adopted by the New Buffalo City Council in Berrien County, Michigan, at a regularly scheduled meeting held on June 20, 2022.

Date: June 20, 2022



Ann M. Fidler, City Clerk