

Planning Commission

Regular Meeting Minutes Thursday, December 5, 2013 7:00 p.m., Council Chambers



1. Call to Order by Paull at 7:00 p.m.

2. Roll Call

Present: Frost, Heinig, Peterson, Smith, Webb, Paull
Absent: Miles, Wall

Motion by Smith, second by Webb to excuse Miles and Wall.

All in favor. Motion carried.

3. Approval of Agenda

Paull noted that each year the Planning Commission is required to approve a meeting calendar for the upcoming year; approval of the agenda should include the addition of such approval in place of the current Item #7.

Motion by Smith, second by Frost to approve the December 5, 2013 regular Planning Commission agenda as amended.

All in favor. Motion carried.

4. Approval of Minutes – November 7, 2013

Motion by Frost, second by Heinig to approve the November 7, 2013 minutes as written.

All in favor. Motion carried.

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

Elaine Herbert, 140 No. Shore Drive. Expressed concerns regarding allowing single family residential homes in the B-3 waterfront business district and adding Old Harbor Village into the Central Business District.

Paull noted that the Planning Commission will be discussing B-3 at the January 9, 2014 meeting.

6. New Business – PUBLIC HEARINGS

A. Taste Restaurant – Special Use Permit, Outdoor Dining

Joel Gesiakowski, representing Taste Restaurant at 402 Phoenix Street requests a special use permit to allow outdoor seating at the restaurant, per zoning ordinance section 601-3. The property number for the subject parcel is 80-53-001-008-00 and the owner of record is JWILCO Properties, LLC of South Haven.

Motion by Smith, second by Heinig to open the public hearing.

All in favor. Motion carried.

Joel Gesiakowski, owner of Taste, explained his request as outdoor service for food and/or alcohol, with seating for twelve (12) to twenty (20) people, wrought iron seating with umbrella tables with service provided by Taste's wait staff from inside the restaurant.

In response to a query by Frost regarding the liquor license, Gesiakowski explained that there will just be an extension of the existing license and there will not be an outdoor bar.

There were no public comments made.

Motion by Heinig, second by Peterson to close the public hearing.

All in favor. Motion carried.

Paull expressed his concern about outdoor sound and music. Gesiakowski stated that Taste does have two (2) outdoor speakers and they will be no louder, explaining "We are a restaurant first, a bar second; we will have the same hours, the same philosophy as the restaurant, the same dinner music."

Peterson noted that 11:00 p.m. is the closing time stipulated in the regulations and thinks outdoor dining is a great idea; it is all spelled out as far as how it will be done, what can and cannot be out there.

Smith questioned the railings and snow removal. Anderson said railings located on public property will have to come down during the winter to facilitate snow removal. Discussion ensued regarding who will install railings initially, the property owner or the city.

Heinig stated his concern about wait staff and patrons using the same doorway for ingress and egress as well as wait staff crossing the pedestrian pathway. Gesiakowski said he will be offering a limited menu out there and staff will not seat more than four (4) people at one table which limits the size of trays coming out.

Anderson read a letter from Keith Huffman of 323 Eagle Street expressing concerns about additional speakers and increased volume. Gesiakowski assured that they do

not plan to add speakers or turn up the existing volume, which is dinner music for atmosphere.

Paull noted this special use permit is conditional on traffic issues, noise, etc. so advised that applicants keep that in mind as this permit can be revoked if there are problems.

Paull noted that the city's limit of ninety (90) decibels at the property line is quite loud. Smith felt noise issues could easily become a problem.

Motion by Smith, second by Heinig to approve the special use permit, as requested for 402 Phoenix Street, contingent upon approval of the proposed furniture by the Downtown Development Authority, recommending that City Council approve the license agreement for seating on public property.

All in favor. Motion carried.

B. Black River Tavern Restaurant – Special Use Permit, Outdoor Dining

Scott Maxwell, representing Black River Tavern at 401 Phoenix Street, requests a special use permit to allow outdoor seating at the restaurant, per zoning ordinance section 601-3. The property number for the subject parcel is 80-53-123-008-00 and the owner of record is BPO Elks #1509 of South Haven.

Motion by Smith, second by Heinig to open the public hearing.

All in favor. Motion carried.

Joel Gesiakowski, representing Black River Tavern at Scott Maxwell's request. Gesiakowski noted that Black River Tavern is a bar as well as a restaurant, so it is a little different concept. In response to questions, Gesiakowski stated that as far as he knows Maxwell has no intention of piping live performances outdoors.

There was no public comment offered.

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

All in favor. Motion carried.

Smith asked whether live entertainment will be permitted on the street and whether they may add speakers. Anderson noted that those items are not included in the license agreement. An amendment to the license agreement would be required if a live performer were requested.

Paull noted that the special use requirements limit outdoor speaker systems. Upon questions, Anderson noted that the Planning Commission may make approval contingent on the establishment not installing additional speakers or increasing the current volume.

Peterson asked if there is a capacity rule to which Anderson responded that the fire marshal will set the capacity limit and that will have to be adhered to.

Motion by Heinig, second by Smith to approve the special use permit for Black River Tavern at 401 Phoenix Street contingent on having no additional speakers and no additional volume and on the Downtown Development Authority's approval of the proposed furniture. He also recommended that City Council approve the license agreement allowing outdoor seating on public property.

Frost clarified that the restriction of additional speakers does not disallow installation of new speakers in the case of the present speakers breaking, but again, to be no louder than the current level of music. Smith noted that live music can be piped outside but at the same volume level.

All in favor. Motion carried.

7. Meeting calendar for 2014.

Anderson noted that the January and July meetings were moved a week to avoid meetings conflicting with holidays. Anderson noted that sometimes there will need to be a change in the date of the meeting and that can be done as long as it is posted.

Discussion regarding the timing of spring break April 7 through 11; there will not be a conflict with meeting on the regularly scheduled first Thursday of the month.

(Generally, the Planning Commission meets on the first Thursday of the month.)

January	9*
February	6
March	6
April	3
May	1
June	5
July	10*
August	7
September	4
October	2
November	6
December	4

* Due to holiday conflicts, these meetings will not take place on the first Thursday of the month. (SHPS spring break is April 7-11 in 2014.)

Motion by Heinig, second by Frost to approve the calendar as presented for 2014.

All in favor. Motion carried.

8. Commissioner Comments

Webb: none
Heinig: none

Frost: none

Smith and Peterson: happy holidays

Paul: The Central Business District designation recommended for Old Harbor Village is rather restrictive and essentially recognizes what is already there. In the 1980s Old Harbor Village was given a dispensation for parking by buying into a now defunct parking program; they already do not provide parking for their guests. Incorporating Old Harbor Village into the Central Business District will probably encourage business development.

9. Adjourn

Motion by Smith, second by Frost to adjourn at 7:34 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,
Marsha Ransom
Recording Secretary