



City of New Buffalo
Planning Commission Special Meeting
January 7, 2020

Agenda

1. Call to Order, Pledge of Allegiance & Roll Call
2. Approval of Agenda
3. Approval of Previous Meeting Minutes
4. Public Comment
5. 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
 - b. Site Plan Review/Special Use Permit, 19 N. Whittaker
 - 11-62-0340-0237-00-5
6. Old Business
7. 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
 - b. Site Plan Review/Special Use Permit, 19 N. Whittaker
 - 11-62-0340-0237-00-5
 - c. Site Plan Review, 825 S. Whittaker
 - 11-62-8200-0307-02-8
8. Commissioner Comments
9. Adjournment

The Special Meeting for December 3, 2019 for the Planning Commission was called to order by Chair Paul Billingslea at 7:06 pm in the City Council Chambers at New Buffalo City Hall, 224 W. Buffalo Street, New Buffalo, MI 49117.

The Pledge of Allegiance was led by Planning Commission.

Roll Call

Members Present: Chair Paul Billingslea, Roxanne Lauer, Bill McCollum, Mark Joseph

Members Absent: Don Stoneburner

Staff present: City Manager Richards, City Clerk Amy Fidler

Approval of Agenda

Motion by Chair Billingslea, seconded by Commissioner McCollum to approve the agenda.

Motion Carried. 4-0

Public Comment

Blagica Bottigliero- Supporting Daycare

Public Hearing

- a. Special Use Approval for 704 W. Merchant Street to use existing building for state-licensed family day-care center.

A staff member from the YMCA was in attendance to answer all questions from the Planning Commission in regards to the building and daycare center. He reassured the board that the building and daycare is within the City's code.

Motion by Commissioner Joseph to approve the YMCA daycare center special use permit, seconded by Commissioner Lauer.

Motion Carried 4-0

- b. Marihuana Regulations

Commission Billingslea discussed that when the State of Michigan approved recreational marihuana, the Planning Commission choose to "opt out" until it was clear how the state was going to regulate the law. Commissioner Billingslea thinks that the state is not there yet. Commissioner Joseph added that the wording is pretty vague. Commissioner Billingslea advised that the board make no change to "opting out." Commissioner Lauer made a motion to make no change to "opting out," seconded by Commissioner Joseph.

Motion Carried 4-0

Old Business

Barbour's Barbeque

The owner of Barbour's Barbeque was asking for an extension to complete the project.

Motion by Commissioner McCollum to give a one- year extension to Barbour's Barbeque, seconded by Commissioner Joseph.

Motion Carried. 4-0

New Buffalo Bills Site Plan Amendment

Motion by Commissioner McCollum to recuse himself from the Planning Commission for this item, seconded by Commissioner Lauer.

Motion Carried. 4-0

There was extensive discussion in regards to the lightening in the parking lot of Buffalo Bill's. Jim Votova, who is a neighbor discussed how the lights shine directly into his home. Bill McCollum proposed to put a shadow box on the light poles to keep the light from shining into the neighbor's home.

Motion made by Commissioner Billingslea to modify the site plan to Buffalo Bills to change the lightening specific to the zoning ordinance, amended the motion to replace the lightening within (60) sixty days, seconded by Commissioner Lauer.

Motion Carried 4-0

Commissioner Comments

None

Adjournment

Motion by Commissioner Billingslea to adjourn the meeting at 7:40 p.m., seconded by Commissioner Joseph.

af



STAFF REPORT

NB Schools STEAM Building

Meeting Date: January 7, 2020

Project Number: 11.13.19

Project Name: NB Schools STEAM Building Site Plan Review/Special Use Permit.

Applicant: Evan LeDuc, Abonmarche Consultants, 95 W, Main Street, Benton Harbor, MI 49022.

Owner: NB Area Schools, Dr. Jeff Leslie, 1112 East Clay Street, PO Box 280, New Buffalo, MI 49117.

Property Location: Across from 1112 E. Clay Street, New Buffalo, MI 49117, #11-62-8200-0203-04-4; 11-62-8200-0206-02-7; 11-628200-0207-04-0; 11-62-8200-0207-02-3.

Dimensions: Irregular lot - 744.45' to 1122.30' x 203.98' to 122.97' (121,718.38' and 69,007.33' SF).

Proposed Use: NB Schools is proposing to construct a Science, Technology, Engineering and Arts (STEAM) facility complete with an ancillary public recreational complex.

Zoning: The entire area is zoned R-1 Single Family Residential.

Action Requested: Site Plan Review and Special Use Permit.

OVERVIEW

The purpose of this application is to consider a series of improvements to the area directly across the street from the middle/high school which is located at 1112 E. Clay Street. The eastern portion of the development will be home to a new Science, Technology, Engineering, Arts and Mathematics (STEAM) facility. The new building will include a robotics field, performing arts storage, work shop, metal shop and work shop areas and a garage to store equipment and the robotic trailer. The building will be supported by the construction of new sidewalks and the rehabilitation of the existing parking lot next to the proposed building. Improvements to the western parcel of the project area will focus on recreational activities. The plans call for an expansion of the existing uses on site including adding six (6) new pickle ball courts, improving the skate park and converting the existing pickle ball courts to a full basketball court. A new pavilion and restroom building are proposed near the west end of the

recreational parcel. Students are expected to park in the main school parking lot and walk to the site. Stormwater management will include a new retention area to the east. The project a series of improvements directly across the street from the middle/high school controlled by Article 6 R-1 Section 6-3 Single Family District- Uses permitted by special land use. Educational institutions, Section 14-1, Article 17- Special Land Uses Section 17-8 Item G Educational institutions of the City's Zoning Ordinance. Article 19, Section 19-2 of the City's Zoning Ordinance specify site plan review standards.

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.

SECTION 17-2 STANDARDS FOR APPROVAL

A. Basic Approval Standards. Prior to approving a special land use application, the following general standards, in addition to any specific standards required for an individual special use shall be satisfied.

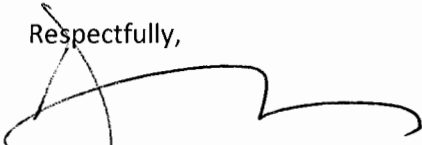
The proposed use or activity shall:

1. Be compatible and in accordance with the City of New Buffalo Master Plan.
2. Be designed, constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
3. Be adequately served by public facilities and services such as streets, police, fire protection, drainage structures, water and sewage facilities recreation facilities, and primary and secondary schools.
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.
5. Promote the public interest through provision of a service, facility, or use determined to be non-detrimental to the residents of the city.
6. Be in compliance with all city ordinances, and state and federal statutes, and licensing provisions as applicable.
7. Not create safety concerns for pedestrian or vehicular circulation.

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 and Amended Special Use Permit application be approved for Project #11.1.3.19, referred to as NB Schools STEAM Building Site Plan Review/Special Use Permit.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Richards', with a large, sweeping flourish extending to the right.

David Richards, City Manager



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

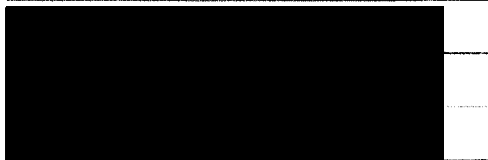
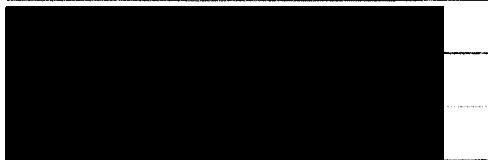
A) Applicant(s) principal contact:

Name Evan LeDuc, Abonmarche Consultants
Address 
Telephone 

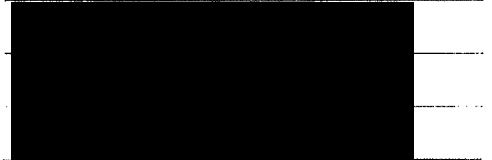
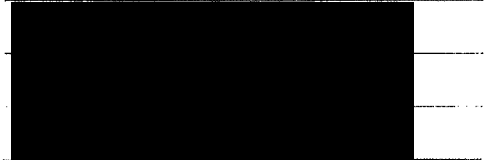
E) Property owner(s) principal contact:

Name Dr. Jeff Leslie, Superintendent
New Buffalo Area Schools
Address 
Telephone 

B) Applicant(s) secondary contact:

Name Seth Morrision, Abonmarche Consultants
Address 
Telephone 

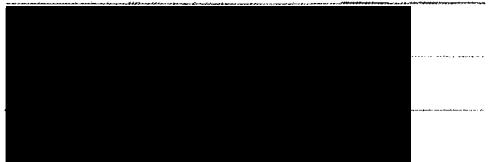
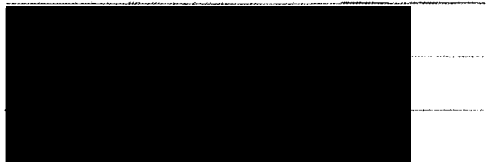
F) Architect (if applicable):

Name Seth Morrision, Abonmarche Consultants
Address 
Telephone 

C) Agent or Attorney (if applicable):

Name _____
Address _____
Telephone _____

G) Engineer (if applicable):

Name Timothy Drews, Abonmarche Consultants
Address 
Telephone 

D) Is the property held in Trust*:

Yes - Answer below No - Skip below

Name of Trust _____
Address _____
Telephone _____

H) Applicant is (check one):

Property owner
 Attorney
 Agent
 Engineer
 Other: Architect

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

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

Directly across the street from New Buffalo High School 1112 E. Clay Street New Buffalo, MI 49117

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

Please refer to attachment titled STEAM Building & Recreation – Legal Descriptions

C) Permanent Real Estate Tax Identification Number:

11-62-8200-0203-04-4, 11-62-8200-0206-02-7, 11,62-8200-0207-04-0, 11-62-8200-0207-02-3

	West	East	
D) Parcel Size:	121,718.38	69,007.33	Square feet
	2.79427	1.58419	Acres
	744.45'	1122.30'	Dimension of lot frontage
	203.98' - 122.97'	122.97' - 0'	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:	R-1 Single Family Residential	Recreational/Vacant
2. Adjoining property:		
a) North of Site	R-1 Single Family Residential	Educational High School
b) South of Site	R-1 Single Family Residential	Transportation - CSX Railroad
c) East of Site	R-1 Single Family Residential	ROW
d) West of Site	R-1 Single Family Residential	Educational Bus Garage

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

West parcel: Recreational Parcel with existing tennis courts (4), Hardscape surface with half court basketball, 4 pickleball courts and skate park,

Existing paved parking lot to west of tennis courts and additional gravel parking to northwest of paved parking. Clay right of way has utilities and overhead power lines and an open ditch.

East parcel: No existing structures, Clay right of way has utilities and overhead power lines and an open ditch.

Site is wooded with primarily scrub growth and smaller hardwood trees.

IV. Description of the Proposed Development

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

The proposed use of the east parcel is to house a STEAM Building for the New Buffalo Area Schools Robotics and Performing Arts Programs with a retention area to the east.

The proposed use of the west parcel is to add pickleball courts (6), additional paved parking, a pavilion with restrooms and lighting and accessible sidewalk

B) What is the proposed time frame for the build-out of this development: Completion in 2020

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	1	9,874 SFT	9,874 SFT	8 Per classroom	1 - 2", 1 - 6"	1 - 6 inch
	1	1,756.75 SFT	1,756.75 SFT	5 Per 1,000Sft	1 - 2"	1 - 6 inch
Two Family R-2						
Mufty-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
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: N/A Students are not to Drive to Steam Building

- 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: 1 - curb cut for garage

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):

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, EVAN M LEDUK, 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: 11/13/19

D) Notary Public Certification Statement:

I, CATHERINE A. WALL, Notary Public in and for the State of Michigan this 13th day of November, 2019 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 11-5-2025

[Signature]

CATHERINE A. WALL
Notary Public, Berrien County, MI
My Comm. Expires Nov. 5, 2025

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: _____

STEAM Building & Recreation – Legal Descriptions
New Buffalo Area Schools

PARCEL A - RECREATION AREA PARCEL:

THAT PART OF BLOCKS 207 AND 208, VACATED FARMER STREET, VACATED FRANKLIN STREET, AND GRIFFITH STREET, VIRGINIA ADDITION TO THE CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTHEAST LINE OF CLAY STREET THAT IS NORTH 61° 41' 03" EAST, 13.19 FEET FROM THE NORTHERLY MOST CORNER OF BLOCK 209, SAID VIRGINIA ADDITION; THENCE NORTH 61° 41' 03" EAST, ON THE SOUTHEAST LINE OF SAID CLAY STREET, 679.42 FEET; THENCE NORTH 61° 43' 55" EAST, ON SAID SOUTHEAST LINE, 65.03 FEET TO THE NORTHEAST LINE OF VACATED FARMER STREET; THENCE SOUTH 28° 08' 46" EAST, ON SAID NORTHEAST LINE, 122.97 FEET TO THE NORTHWEST LINE OF CSX RAILROAD; THENCE SOUTH 55° 28' 49" WEST, ON SAID NORTHWEST LINE, 749.08 FEET; THENCE NORTH 28° 08' 46" WEST, PARALLEL WITH THE SOUTHWEST LINE OF GRIFFITH STREET, 203.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.79 ACRES (121,718 SQUARE FEET), MORE OR LESS.

PART OF TAX PARCELS 11-62-8200-0207-01-4 AND 11-62-8200-0207-02-3

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.
SUBJECT TO RIGHTS OF OTHERS OVER THAT PART LYING WITHIN VACATED FRANKLIN STREET AND VACATED FARMER STREET.
SUBJECT TO RIGHTS OF THE PUBLIC AND ANY GOVERNMENTAL UNIT OVER THAT PART LYING IN GRIFFITH STREET.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983.

PARCEL B - STEAM BUILDING PARCEL

THAT PART OF BLOCKS 203, 204, 205, AND 206, VACATED VIRGINIA STREET, ONTARIO STREET, AND ROSE STREET, VIRGINIA ADDITION TO THE CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE WESTERLY MOST CORNER OF SAID BLOCK 206; THENCE NORTH 61° 43' 55" EAST, ON THE SOUTHEAST LINE OF SAID CLAY STREET, 1122.30 FEET TO THE NORTHWEST LINE OF CSX RAILROAD; THENCE SOUTH 55° 28' 49" WEST, ON SAID NORTHWEST LINE, 1129.28 FEET TO THE NORTHEAST LINE OF VACATED FARMER STREET; THENCE NORTH 28° 08' 46" WEST, ON SAID NORTHEAST LINE, 122.97 TO THE POINT OF BEGINNING.

CONTAINING 1.58 ACRES (69,007 SQUARE FEET), MORE OR LESS.

PART OF TAX PARCELS 11-62-8200-0203-04-4 AND 11-62-8200-0206-02-7

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.
SUBJECT TO RIGHTS OF OTHERS OVER THAT PART LYING WITHIN VACATED VIRGINIA STREET.
SUBJECT TO RIGHTS OF THE PUBLIC AND ANY GOVERNMENTAL UNIT OVER THAT PART LYING IN ROSE STREET AND ONTARIO STREET.

National Flood Hazard Layer FIRMette



41°47'52.25"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, AS9
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone 7
- Future Conditions 1% Annual Chance Flood Hazard Zone A
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transact
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transact Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/13/2019 at 3:23:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



U.S. Fish and Wildlife Service

National Wetlands Inventory

New Buffalo - East Clay Street



May 15, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



STAFF REPORT

Warner Vineyards

Meeting Date: January 7, 2020

Project Number: 7.11.19

Project Name: Warner Vineyards Outside Seating Site Plan Review/ Special Use Permit

Applicant: Warner Vineyards, 706 S. Kalamazoo Street, Paw Paw, MI 49079. 269-352-6237

Property Location: 19 N. Whittaker Street, New Buffalo, MI 49117, #11-62-03-40-0237-005

Owner: Deborah A. DeVos, 18773 Red Arrow Hwy, New Buffalo, MI 49117. 269-277-9795

Dimensions: 66'x132' (8,712 SF)

Proposed Use: 12'x20' outdoor seating in conjunction with wine tasting establishment

Zoning: 19 N. Whittaker Street – Central Business District (CBD)

Action Requested: Site Plan Review and Special Use Permit.

OVERVIEW

The applicant requests approval of a Site Plan and a Special Use Permit to allow creation of a 12'x20' outside area for wine tasting located on the north side of the existing structure. No new structure is proposed and a detailed site plan has not been requested. However, if the Planning Commission so desires, Article 19, Section 19-2 of the City's Zoning Ordinance specifies site plan review standards. The Special Use Permit consideration is guided by Article 17, Section 17-2 and 3.

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 in every respect.

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

The drawings as submitted satisfy the requirements of this section in every respect except an east elevation rendering of the proposed structure. No set back is required on any lot line because the project is located in the Central Business District.

SECTION 17-2 STANDARDS FOR APPROVAL

A. Basic Approval Standards. Prior to approving a special land use application, the following general standards, in addition to any specific standards required for an individual special use shall be satisfied.

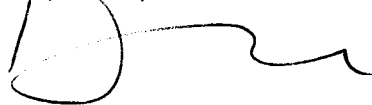
The proposed use or activity shall:

1. Be compatible and in accordance with the City of New Buffalo Master Plan.
2. Be designed, constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
3. Be adequately served by public facilities and services such as streets, police, fire protection, drainage structures, water and sewage facilities recreation facilities, and primary and secondary schools.
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.
5. Promote the public interest through provision of a service, facility, or use determined to be non-detrimental to the residents of the city.
6. Be in compliance with all city ordinances, and state and federal statutes, and licensing provisions as applicable.
7. Not create safety concerns for pedestrian or vehicular circulation.

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 and Special Use Permit application for Project #7.11.19, referred to as Warner Vineyards Outside Seating be approved as submitted.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Richards', with a large, stylized initial 'D'.

David Richards, City Manager

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



City Staff Use Only	Project Name	Warners	PAID
	Project Number	7.11.19	JUL 11 2019
	Review Fee Paid	500.00	City of New Buffalo
	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 WARNER VINEYARDS
Address [REDACTED]
Telephone [REDACTED]

E) Property owner(s) principal contact:

Name DEBORAH A. DeVos
Address [REDACTED]
Telephone [REDACTED]

B) Applicant(s) secondary contact:

Name N/A
Address _____
Telephone _____

F) Architect (if applicable):

Name N/A
Address _____
Telephone _____

C) Agent or Attorney (if applicable):

Name N/A
Address _____
Telephone _____

G) Engineer (if applicable):

Name N/A
Address _____
Telephone _____

D) Is the property held in Trust*:

Yes - Answer below No - Skip below
Name of Trust _____
Address _____
Telephone _____

H) Applicant is (check one):

Property owner
 Attorney
 Agent
 Engineer
 Other: Tenant

* 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:

To Provide outside seating @ our fasting facility.

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:

19 N. WHITTAKER STR. New BUFFALO City

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

Lot 9 BLK 20 V. II PLAT OF New BUFFALO
66' x 132'

C) Permanent Real Estate Tax Identification Number: 11-62-0340-0237-00-5

D) Parcel Size: _____ Square feet

_____ Acres

66' _____ Dimension of lot frontage

132' _____ 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:	COMMERCIAL		COMMERCIAL	
2. Adjoining property:				
a) North of Site	"	"	"	"
b) South of Site	"	"	"	"
c) East of Site	"	"	"	"
d) West of Site	"	"	"	"

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

2 story BRICK Commercial Building -
FENCED REAR OF PROPERTY & SIDE (DRUG STORE SIDE)
PRIVATE DRIVEWAY

IV. Description of the Proposed Development

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

To provide outside seating (12x20) @ TARDING FACILITY.

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						
Mufti-Family R-3						
Central Business CBD						
Gen. Commercial GCD						
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:

PRIVATE PROPERTY

- 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):

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, James J. Warner 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: _____

Date: 7-8-19

D) Notary Public Certification Statement:

I, Jodie M. Schrepper, Notary Public in and for the State of Michigan this 8th day of July, 2019 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 2-26-23

Jodie M. Schrepper
Notary Public
State of Michigan
County of Kalamazoo
My Commission Expires February 26, 2023

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: _____

0137-01-9	99
0138-00-7	99
0138-00-5	99
0138-00-3	99
0138-00-1	99

PLAT 0340

0152-00-0	99
0151-00-3	99
0149-02-5	99
0149-02-2	99
0149-01-7	99

0164-00-8	99
0163-00-1	99
0162-86-5	99
0162-86-1	99
0162-86-0	99

0173-00-0	99
0173-00-0	99
0173-00-0	99

RCHANT
0211-00-1

52	50	99
0241-02-1	0241-00-2	99
0242-01-7	0243-01-3	99
0243-02-1	0244-01-0	99
0244-02-	0245-01-6	99
0245-00-8	0246-00-4	99
0246-00-4	0247-00-4	99

De Vos
WHITTAKER
66x132

99	132	132	99
0240-02-2	0229-00-2	0231-01-5	99
0237-00-5	0233-01-8	0231-01-5	99
0237-00-5	0233-01-8	0231-01-5	99
0237-00-5	0233-01-8	0231-01-5	99
0237-00-5	0233-01-8	0231-01-5	99

THOMPSON

99	132	132	99
0228-00-6	0217-01-	0217-02-	99
0226-00-3	0220-01-3	0217-02-	99
0226-00-3	0220-01-3	0217-02-	99
0226-00-3	0220-01-3	0217-02-	99
0226-00-3	0220-01-3	0217-02-	99

TOWNSEND

99	132	132	99
0216-00-8	0211-03-1	0211-03-1	99
0216-00-8	0211-03-1	0211-03-1	99
0216-00-8	0211-03-1	0211-03-1	99
0216-00-8	0211-03-1	0211-03-1	99

FFALO

132	132	99
0325-01-	0327-00-4	99
0325-01-	0327-00-4	99
0325-01-	0327-00-4	99
0325-01-	0327-00-4	99

STREET

99	132	132	99
0348-00-1	0337-00-0	0338-00-6	99
0348-00-1	0337-00-0	0338-00-6	99
0348-00-1	0337-00-0	0338-00-6	99
0348-00-1	0337-00-0	0338-00-6	99
0348-00-1	0337-00-0	0338-00-6	99

STREET

313	132	132	99
0211-02-21	0211-03-1	0211-03-1	99
0211-02-21	0211-03-1	0211-03-1	99
0211-02-21	0211-03-1	0211-03-1	99
0211-02-21	0211-03-1	0211-03-1	99

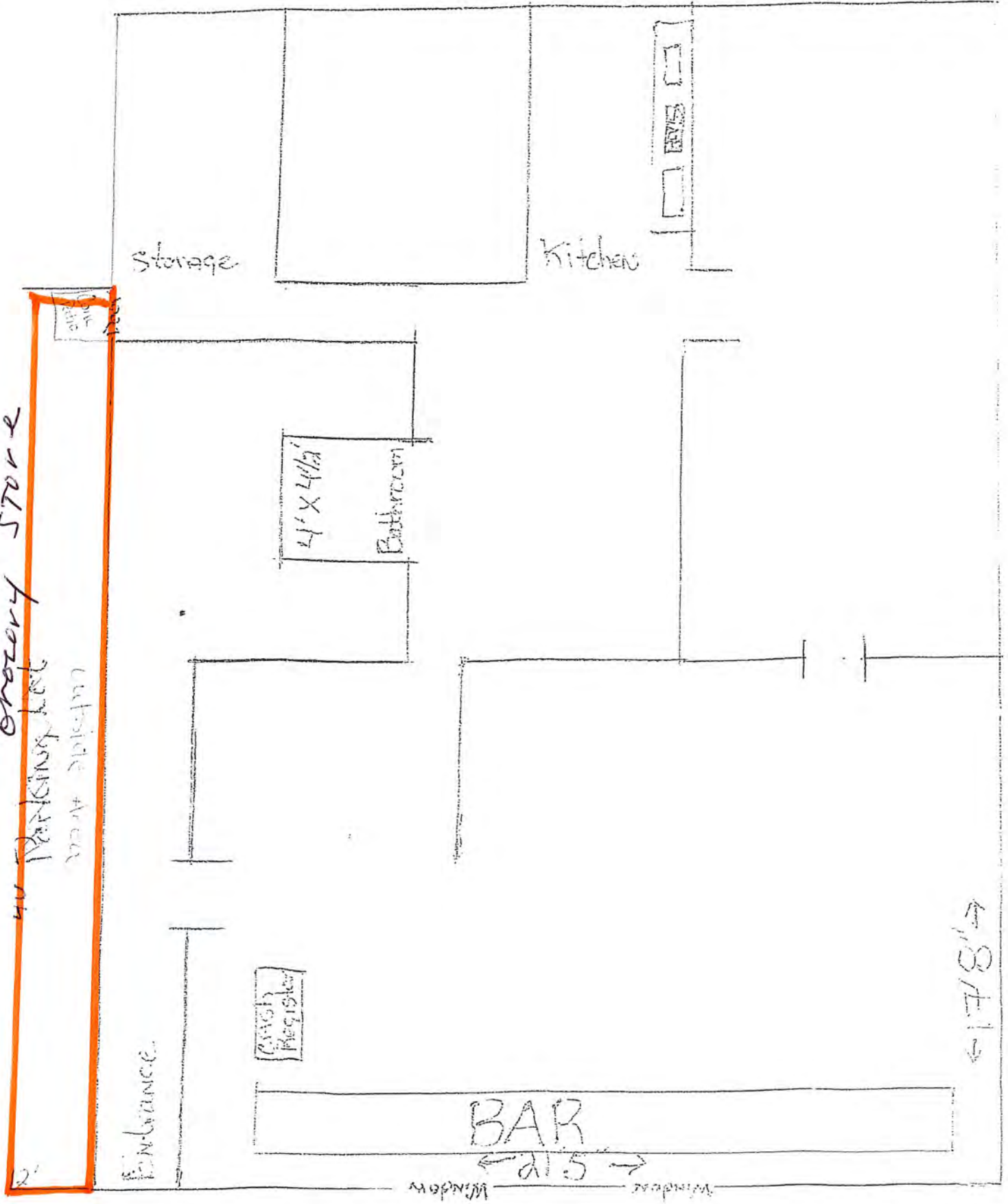
PLAT 87

ROSE

Warner Vineyards of New Buffalo
19 N. Whittaker St
New Buffalo, MI 49117

Copy

FLOOR PLAN



Groceries Store
Parking Lot

Handmade Store

Whittaker Street



STAFF REPORT

Ozinga Energy

Meeting Date: January 7, 2020

Project Number: 11.27.19

Project Name: Ozinga Energy CNG Facility Site Plan Review

Applicant: Jason Van Den Brink, Ozinga Energy, 19001 Old LaGrange Road, Mokena, IL 60448. 708-326-3600

Property Location: 825 S. Whittaker Street, New Buffalo, MI 49117, #11-62-8200-0307-02-8

Owner: Same as above

Dimensions: 278'x264' (92,975 SF)

Proposed Use: Construction of a compressed natural gas fueling station for private and public use

Zoning: 825 S. Whittaker Street – General Industry (I-1)

Action Requested: Site Plan Review.

OVERVIEW

The applicant requests approval of a Site Plan to allow construction and use of a compressed natural gas facility for fueling of Ozinga trucks and public use. An above ground pump is planned for Ozinga's S. Whittaker Street truck entrance with substantial landscaping improvements as indicated in the site plan. Commercial gasoline fueling stations are permitted by right in Section 13-2. and the Zoning Administrator is allowed the discretion to approve similar uses. Section 19-2 of the City's Zoning Ordinance specifies site plan review standards.

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

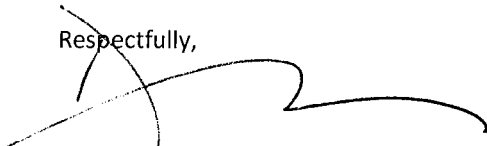
The drawings as submitted satisfy the requirements of this section and have been reviewed by a third party.

FINDINGS/RECOMMENDATION

- An electric charging station is included in future phases of the project.
- In previous discussions a sound barrier was discussed but is not include in the plan.
- The site plan is not signed and sealed and the engineers license expired in November of 2019.
- The City's attorney is investigating the need to combine the parcels involved in the project.
- Both the Police and Fire Chief are reviewing the site plan for any concerns.

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 application for Project #11.27.19, referred to as Ozinga Energy CNG Facility be approved.

Respectfully,



David Richards, City Manager

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



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 Jason Van Den Brink, Ozinga Energy

Address [REDACTED]

Telephone [REDACTED]

E) Property owner(s) principal contact:

Name Jason Van Den Brink, Ozinga Energy

Address [REDACTED]

Telephone [REDACTED]

B) Applicant(s) secondary contact:

Name _____

Address _____

Telephone _____

F) Architect (if applicable):

Name _____

Address _____

Telephone _____

C) Agent or Attorney (if applicable):

Name _____

Address _____

Telephone _____

G) Engineer (if applicable):

Name Bryan Rieger, V3 Companies, Ltd.

Address [REDACTED]

Telephone [REDACTED]

D) Is the property held in Trust*:

Yes - Answer below 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.

CITY OF NEW BUFFALO
Date 11/27/2019 8:17:27 AM
Ref 825 S. WHITTAKER
Receipt 76291
Amount \$500.00

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:

Ozinga Energy proposing to construct a compressed natural gas fueling station on their property located at 825 S. Whittaker Street.

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:

City of New Buffalo, MI Zoning Ordinance Appendix A, Article 13, Section 13-3, Subsection A.

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:

825 S. Whittaker Street

New Buffalo, Michigan

49117

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

SEE SURVEY ATTACHED

C) Permanent Real Estate Tax Identification Number:

11-42-8200-0307-02-8

SEE SURVEY ATTACHED

D) Parcel Size: 92,975 Square feet

2.13 Acres

278 ft Dimension of lot frontage

264 ft 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:	I-1 General Industry	I-1 General Industry R-1 Single Family Residential
2. Adjoining property:	R-1 Single Family Residential	R-1 Single Family Residential
a) North of Site	GCD General Commercial District	R-1 Single Family Residential
b) South of Site	Berrien County	Berrien County (Commercial)
c) East of Site	R-1 Single Family Residential	Undeveloped
d) West of Site	S. Whittaker Rd. (GCD across road)	S. Whittaker Rd. (GCD across road)

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

At the location of the proposed compressed natural gas fueling station there are two existing driveways, a lawn, and a former single family residence.

IV. Description of the Proposed Development

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

The proposed compressed natural gas fueling station would have a single pump and related underground equipment. The two existing driveways would be repaved and connected with a loop and the lot will be landscaped. The existing fence and gates to the Ozinga property would also be reconfigured to allow public access to the fueling area, while maintaining security to the concrete plant. The single family residence will be demolished.

B) What is the proposed time frame for the build-out of this development: December 2019 - March 2020

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

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):

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, JASON VAN DEN BRINK, 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: 11/13/19

D) Notary Public Certification Statement:

I, Patricia L. Tellano, Notary Public in and for the State of Michigan this 13th day of November, 2019 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true

My commission expires: 7-09-2020

Patricia L. Tellano



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: _____





Dave Richards

From: Rich Killips
Sent: Friday, December 13, 2019 9:05 AM
To: Tony McGhee; Fire Department; Fire Department (newbuffalocityfire@hotmail.com)
Cc: Dave Richards
Subject: Re: Final CNG Memo

Good morning,

Chris Huston and I reviewed the plans from a public safety viewpoint and had no major issues. Chris had two requests for this project.

- Would like to see a rendering of the actual locations of the NG main and the nearest shutoff outside of the ones on the plans which are both inside of the "hot zones" for the fueling station.
- A Knox box be placed somewhere onsite that will allow firefighters access to the NG shutoff inside of the secured fence area.

If you have any questions please let us know

Rich Killips
Chief of Police

New Buffalo City Police Department
224 W. Buffalo St. New Buffalo Mi. 49117
269-469-1593 Office
269-469-2110 Fax



From: Tony McGhee <tmcghee@abonmarche.com>
Sent: Friday, December 13, 2019 8:08 AM
To: Nick Curcio <ncurcio@curciofirm.com>
Cc: Dave Richards <manager@cityofnewbuffalo.org>; Rich Killips <rkillips@cityofnewbuffalo.org>
Subject: Re: Final CNG Memo

thank you Nick.

Sent from my iPhone

On Dec 13, 2019, at 7:55 AM, Nick Curcio <ncurcio@curciofirm.com> wrote:

Tony,

In answer to your question for me below, there's no need for a formal lot combination. The zoning ordinance defines the term "lot" to mean "A parcel of land, or *contiguous parcels of land under one ownership* described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this ordinance and having access to a public road or approved private road."

-Nick

From: Tony McGhee <tmcghee@abonmarche.com>
Date: Tuesday, December 10, 2019 at 11:46 AM
To: David Richards <manager@cityofnewbuffalo.org>
Cc: 'Rich Killips' <rkillips@cityofnewbuffalo.org>, Nick Curcio <ncurcio@curciofirm.com>
Subject: Final CNG Memo

Dave,

We have reviewed the site plans submitted for the proposed CNG facility and provided feedback in the attached memo. I have copied Chief and Nick as there are a couple things they would be good to weigh in on for the City below. For you, there are a few things you've asked about that are in the memo but I want to point out here as well.

- They do have an electric charging station in the project but it is not until a future undefined phase which means it may or may not get added down the road
- When you met with them they talked about how they build a block wall around the pumping station itself in Indiana for aesthetics and a sound barrier. They said they would do one here but does not appear to be shown on the plans
- The plans are not signed and sealed and based on the signature box the engineer who prepared the plans license expired in November 2019. It may have been renewed by now but they should be signed and sealed by a licensed professional per the zoning ordinance.

Nick,

There are four (4) different parcels with common ownership being used for the proposed site plan. Each of the independent parcels for the purpose of the proposed improvements cannot stand alone as the improvements shown require flow through drives etc that utilize all of the parcels. Are you ok with the four separate parcels being used collectively for the purposes of meeting the City's zoning requirements or if they have to be combined into one parcel for consideration of the proposed CNG facility being placed on the Ozinga facility?

Chief,

In terms of traffic maintenance, I was not sure if you wanted in/out signs on the drives and if you wanted to limit which drives could do what (this is item #18 on page 5 of the memo)

CONFIDENTIALITY NOTICE: This e-mail and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this e-mail in error, please notify us immediately and promptly delete this message and its attachments from your computer system. We do not waive any work product privilege by the transmission of this message.