



City of New Buffalo  
Planning Commission Special Meeting  
Wednesday, February 17, 2021 at 7:00 P.M.  
**REVISED AGENDA**

Join Zoom Meeting

<https://us02web.zoom.us/j/82509856883?pwd=Y0VkMXFjblFKMW9KbDI3bG8yS115dz09>

Meeting ID: 825 0985 6883

Passcode: 316891

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Previous Minutes- August 25, 2020
5. Public Comment
6. Public Hearing
  - a. Special Use Permit- 9 S. Barton Street
7. New Business
  - Item a. Site Plan Review "Outside Seating Request" – 9 S. Barton Street
  - Item b. Site Plan Review "Outside Seating Request" – 36 S. Whittaker Street
  - Item c. Site Plan Review "New Office Building Request" – 120 W. Buffalo Street
8. Presentation- 1 N. Whittaker Street, Presenter- William McCollum
9. Commissioner Comments
10. Adjournment

The Special Meeting for August 25, 2020 of the New Buffalo City Planning Commission was called to order by Chair Billingslea at 7:06 p.m.

**Roll Call: All present.** Lauer had audio problems

**Approval of Agenda:** Motion by Billingslea seconded by Stoneburner to approve the agenda: roll call vote, motion carried, 4-0 (Lauer had audio problems)

**Approval of Previous Minutes:** Motion by Stoneburner seconded by Joseph to approve the Special Planning Commission Minutes on June 15, 2020: roll call vote, motion carried, 4-0 (Lauer had audio problems)

**Public Comment: None**

### **New Business**

#### **Lauer joined the meeting with audio**

**Smith Street Pocket Park:** Tony McGhee gave a presentation on the Smith Street Pocket Park. McGhee explained what the park would look like and that it would create nine new parking places downtown. It would include picnic tables, bike racks and would also have a raingarden. Site plans to come in the future with a planned opening of Memorial Day 2021.

Motion by Joseph, seconded by Lauer to approve the Smith Street Pocket Park: roll call vote, motion carried, 5-0

**509 W. Water Street Site Plan Review, Oselka Marina Parking Lot 11-62-8550-0037-01-8, & 11-62-8550-0091-02-1:** City Manager Richards went over the findings of the site plan submitted with the application that identifies the drainage plan and grading specifications exceeding the Site Development Requirements of Section 12-4 of (1) a minimum lot area of 15,000 SF, (2) lot width of 100 FT and (3) set back requirements do not apply to the parking area.

Dan Yerks, the engineer, of the project was present and answered questions.

- They will be paving everything that isn't currently paved
- Stormwater will be detained in the existing catch basins in the middle of the site
- The space will be used for boat storage in the winter
- Same use as before, just repaving
- Ingress and egress onto Willard will be paved.

Motion by McCollum, seconded by Stoneburner to approve the site plan review for 509 W. Water Street as presented today: roll call vote, motion carried, 5-0

#### **Installation of Playground Equipment on Private Property in Sunset Shores:**

Board Member Stoneburner explained that this was an additional item.

The Association of Sunset Shores is looking for the Planning Commission's blessing to install the playground equipment they obtained from St. Mary of the Lake Church onto private property in Sunset Shores. The Association needs the equipment to fulfill a requirement, children's playground. Inspections

will be done to make sure the equipment is installed properly. The City would have no liability because it is on private property. The state will approve the playground equipment.

Commissioner Comments: None

Adjournment

Motion by Joseph, seconded by, Lauer to adjourn the meeting at 7:39 p.m.

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Paul Billingslea, Chair

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Ann M. Fidler, Clerk



## City of New Buffalo

### Special Use Permit Staff Report

**Hearing Date:** February 17, 2021

**Project Number:** V2021-0001

**Applicant:** Ben Smock

**Subject Property Address:** 9 S Barton Street, New Buffalo, MI 49117

**Nature of the Request:** Site Plan & Special Use request for Restaurant outdoor seating area.

**Zoning District:** CBD "Central Business District"

### OVERVIEW

The applicant is Ben Smock, of 9 S Barton Street, New Buffalo, MI 49117. The applicant requests a special use permit for eating establishment outdoor seating. Article 10 Sec. 10-2 "Uses permitted by right and special use permit". Allows (item 20) "Outdoor seating/service with special use permit.

This location, 9 S Barton Street is a former, "Restaurant, Café" and is now under new ownership and is being renovated for a new eating establishment called "The Hummingbird Lounge". All appropriate permits have been obtained and compliance inspections are underway.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the special use request for outside seating establishment at 9 S Barton Street with any requested stipulations from Planning Commission.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



City Staff  
Use Only

|                 |                     |                     |
|-----------------|---------------------|---------------------|
| Project Name    | PAID                | REC'D               |
| Project Number  | DEC 16 2020         | DEC 15 2020         |
| Review Fee Paid | City of New Buffalo | 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 Ben Smock  
 Address   
 Telephone 



E) Property owner(s) principal contact:

Name Ben Smock  
 Address   
 Telephone 

B) Applicant(s) secondary contact:

Name Mike Smith  
 Address   
 Telephone 

F) Architect (if applicable):

Name Neringa Design  
 Address   
 Telephone 

C) Agent or Attorney (if applicable):

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_

G) Engineer (if applicable):

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_

D) Is the property held in Trust\*:

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

H) Applicant is (check one):

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

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

TCF BANK  
17.7000/2910

1003

Hummingbird Lounge LLC

12/11/2020

PAY TO THE ORDER OF

CITY OF NEW BUFFALO

\$ 350.00

Three Hundred Fifty and 00/100

DOLLARS

PROTECTED AGAINST FRAUD

MEMO

PLANNING COMMISSION APPLICATION

*[Signature]*

CITY OF NEW BUFFALO  
224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117  
Phone : (269) 469-1500

Received From: SMOCK  
Date: 12/18/2020 Time: 8:23:27 AM  
Receipt: 87787  
Cashier: AMY

9 S. BARTON ST

| ITEM REFERENCE               | AMOUNT   |
|------------------------------|----------|
| SITE SITE PLAN REVIEW        |          |
| SITE PLAN REVIEW 9 S. BARTON | \$350.00 |
| TOTAL                        | \$350.00 |
| CHECK 1003                   | \$350.00 |
| Total Tendered:              | \$350.00 |
| Change:                      | \$0.00   |

**II. Purpose of Application**

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

- |  |   |                      |
|--|---|----------------------|
| Rezoning of Property                     | Subdivision Approval                        | X Site Plan Approval |
| Rezoning Amendment                       | Variance(s) Approval                        | Special Use Approval |
| Lot Split – Subdivision or Land Division | Other: <u>Outdoor Service Area approval</u> |                      |

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

We purchased an existing Restaurant at 9 S Barton St, New Buffalo, MI and the  
Class C liquor license for the property. The conditional transfer has been approved.  
We are applying for an outdoor service area permit, to include a 19'x19' deck and the  
patio area (please see attached plans).

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:

We are requesting permission to build decorative perimeter fencing (as shown) and to  
be approved for an outdoor service area permit.

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:
9 S Barton St New Buffalo, MI 49117

B) Legal description (attach an additional sheet if necessary):
Lot 11, Block 28 of MAP OF NEW BUFFALO, according to the plat thereof record in
Liber "C" of Deeds, page 105 of Berrien County Records.

C) Permanent Real Estate Tax Identification Number: 11-62-0340-0335-01-5

D) Parcel Size: 8,712 Square feet
66 feet Dimension of lot frontage
132 feet Dimension of lot depth

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

Table with 3 columns: Item, Current zoning, Current land use. Rows include On Site (CBD, Restaurant), Adjoining property (North: CBD, Parking Lot; South: R1, vacant lot; East: CBD, Parking Lot; West: Street, S Barton).

F) Describe any existing structures or other improvements and physical attributes of the site:
There is an existing structure facing Barton St that is Restaurant on the main level with
owner's quarters on the second floor.

There is an existing garage on the southeast corner of the lot that has a second floor
loft. We intend to add a 6' solid fence along the south lot line, along with a picket fence on the north lot line.



**IV. Description of the Proposed Development**

A) Please describe the proposed use of the land and/or building assuming approval of the request:  
We intend to provide indoor and outdoor food and beverage service, as permitted.

B) What is the proposed time frame for the build-out of this development: Opening March 2021

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   | 2                   | 0                     | 2538                   | 32*                     |                             |                             |
| Gen. Commercial GCD    |                     |                       |                        |                         |                             |                             |
| Waterfront Marina WM   |                     |                       |                        |                         |                             |                             |
| General Industrial I-1 |                     |                       |                        |                         |                             |                             |
| <b>TOTAL</b>           | <b>2</b>            | <b>0</b>              | <b>2538</b>            | <b>32*</b>              |                             |                             |

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):

No

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**V. Attachments**

- A) \_\_\_\_\_ Plat of Survey with legal description.
- B) X 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) X Application fee in the amount of \$ 350.00.
- 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 MLCC Class C Liquor with outdoor service area
- 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):

Our intention is to open Hummingbird Lounge, a food and drink establishment, in the  
Spring of 2021. Hummingbird Lounge will provide an additional dining option for  
locals and visitors alike. Our outdoor seating area is designed to be a lush garden,  
which will provide a unique setting for afternoon snacks or evening cocktails.

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**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, Benjamin M. Smock, 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: 12/10/2020

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: \_\_\_\_\_

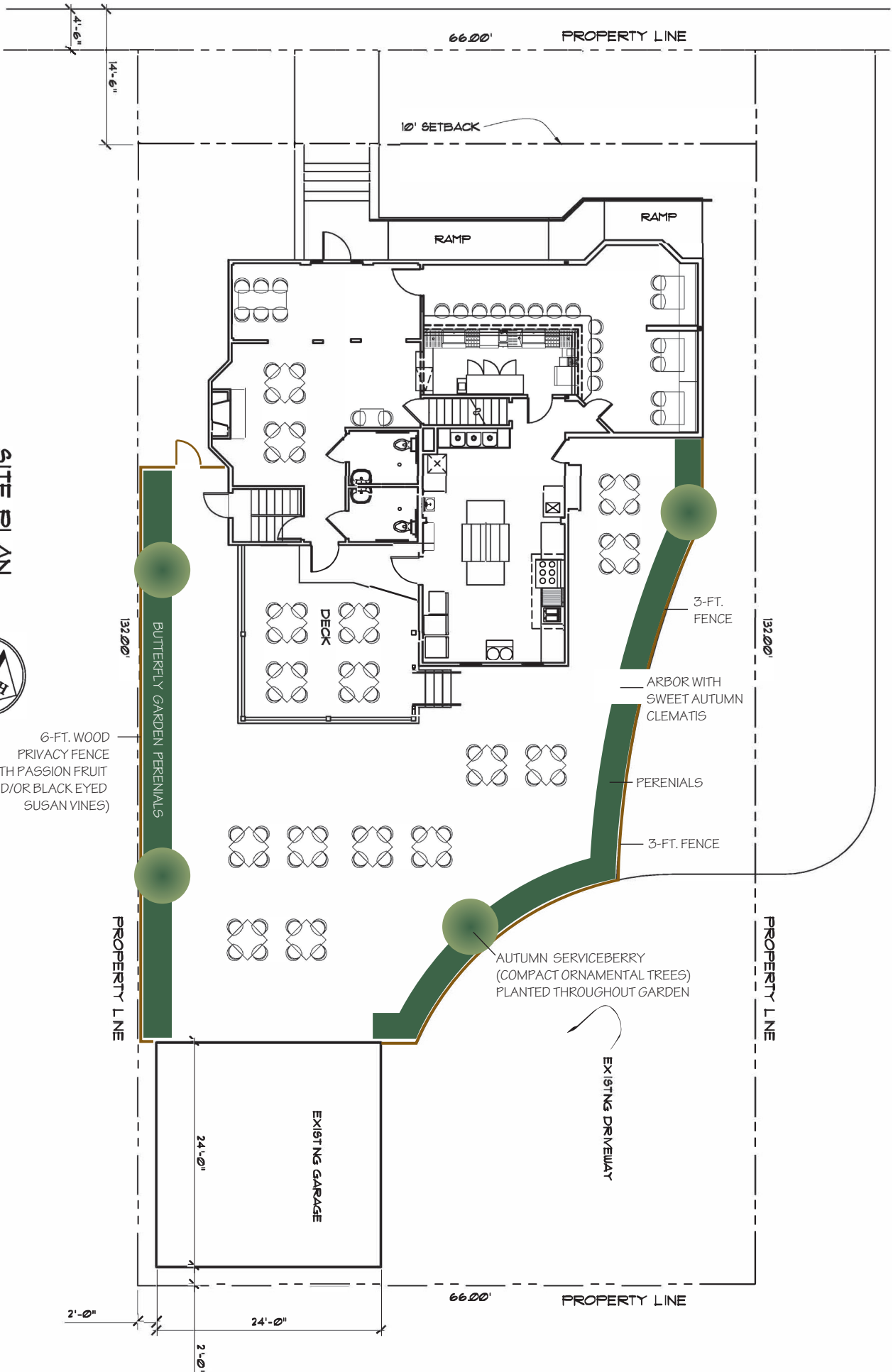
Initial meeting date: \_\_\_\_\_

BARTON STREET

**SITE PLAN**  
SCALE: 1/8" = 1'-0"



6-FT. WOOD  
PRIVACY FENCE  
(WITH PASSION FRUIT  
AND/OR BLACK EYED  
SUSAN VINES)



66.00' PROPERTY LINE

10' SETBACK

RAMP

RAMP

RAMP

DECK

132.00'

BUTTERFLY GARDEN PERENNIALS

3-FT. FENCE

ARBOR WITH  
SWEET AUTUMN  
CLEMATIS

PERENNIALS

3-FT. FENCE

132.00'

PROPERTY LINE

AUTUMN SERVICEBERRY  
(COMPACT ORNAMENTAL TREES)  
PLANTED THROUGHOUT GARDEN

EXISTING DRIVEWAY

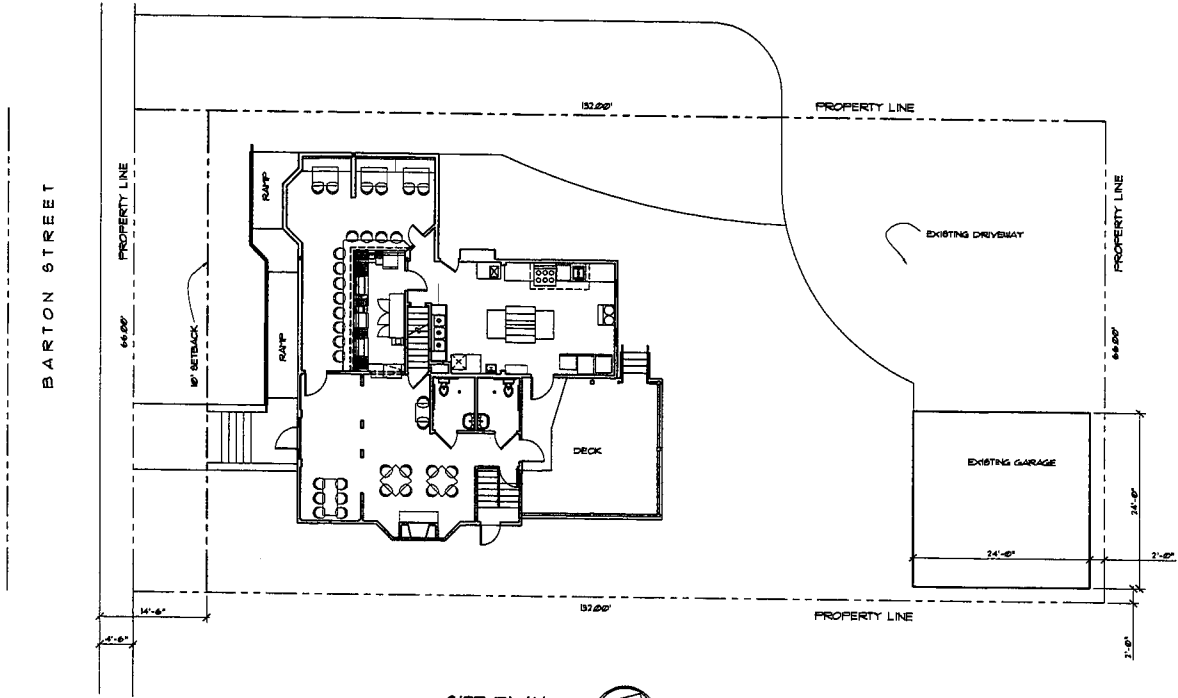
EXISTING GARAGE

66.00' PROPERTY LINE

2'-0"

24'-0"

2'-0"



SITE PLAN  
SCALE: 1/8" = 1'-0"



1.3

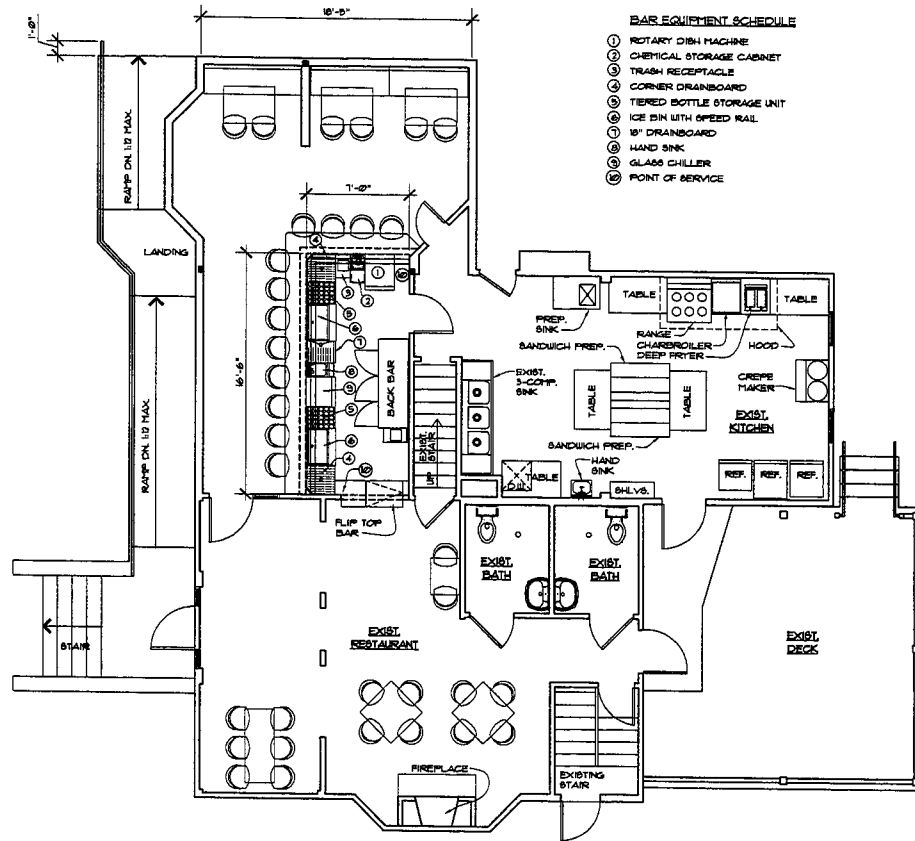
12/18/20  
12/21/20  
Drawing #

SITE PLAN

HUMMINGBIRD LOUNGE  
BEN SMOCK  
9 S. BARTON ST  
NEW BUFFALO

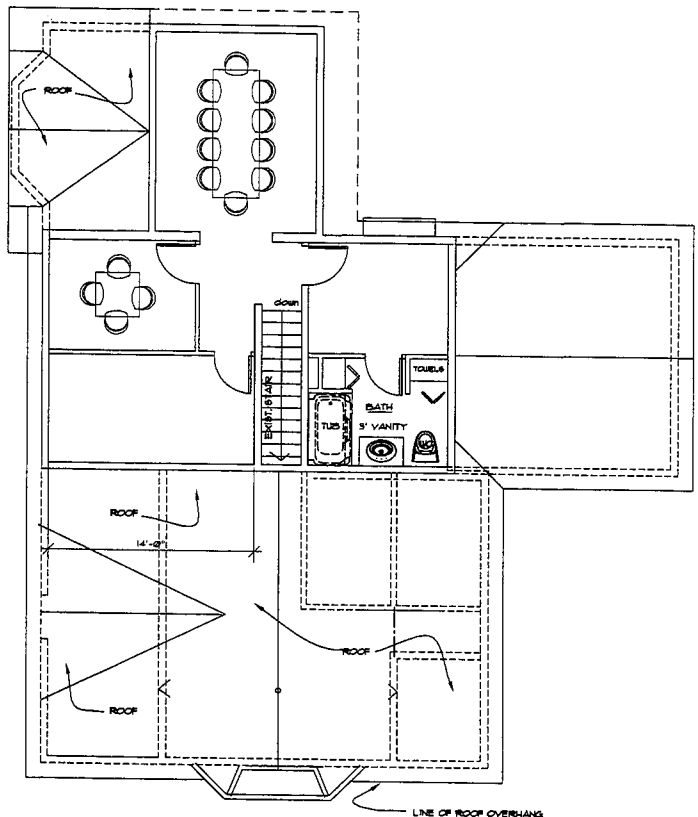
Neringa  
Design  
ARCHITECTS

NERINGA ARCHITECTS, A.L.L.  
105 W. MERCHANT ST.  
NEW BUFFALO, NY 14217  
616-468-4686



- BAR EQUIPMENT SCHEDULE**
- ① ROTARY DISH MACHINE
  - ② CHEMICAL STORAGE CABINET
  - ③ TRASH RECEPTACLE
  - ④ CORNER DRAINBOARD
  - ⑤ TIERED BOTTLE STORAGE UNIT
  - ⑥ ICE BIN WITH SPEED RAIL
  - ⑦ 18" DRAINBOARD
  - ⑧ HAND SINK
  - ⑨ GLASS CHILLER
  - ⑩ POINT OF SERVICE

**1ST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



2ND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

NERINGA PERSEKAS, AIA  
105 W. MERCHANT ST.  
NEW BUFFALO, MI 40117  
616-489-4886

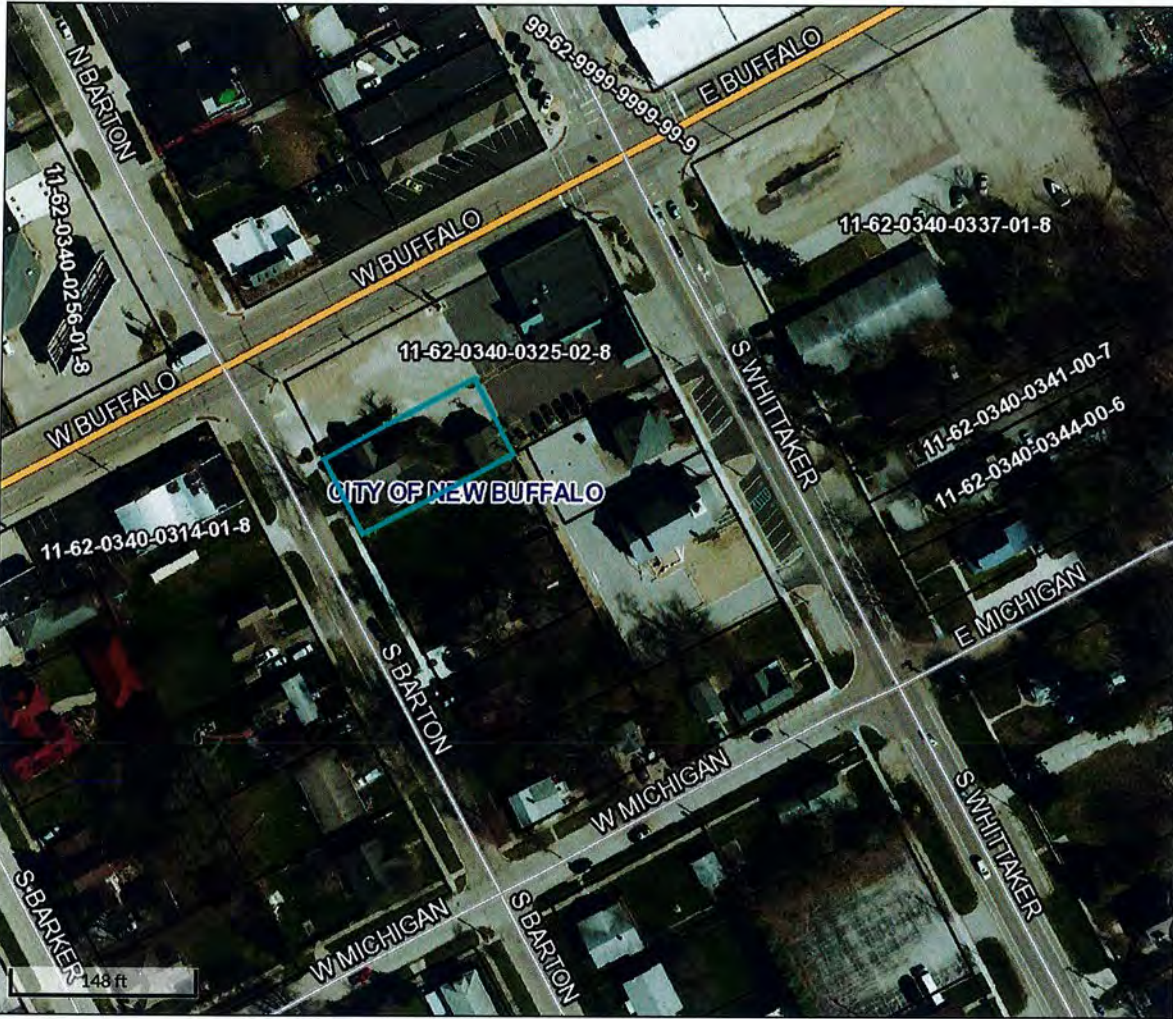
**Neringa**  
Design &  
Architects

HUMMINGBIRD LOUNGE  
BEN SMOCK  
9 S. BARTON ST.  
NEW BUFFALO, MICHIGAN

2ND FLOOR PLAN

DATE  
12/10/10  
DRAWING NO.












33



Overview



Legend

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

|                       |   |              |     |               |   |
|-----------------------|---|--------------|-----|---------------|---|
| Parcel ID             | 11-62-0340-0335-01-5  | Alternate ID | n/a | Owner Address | VOBEN LLC   |
| Sec/Twp/Rng           | n/a   | Class        | 201 |               |  |
| Property Address      | 9 S BARTON ST<br>NEW BUFFALO  | Acreage      | n/a |               |   |
| District              | 11200   |              |     |               |   |
| Brief Tax Description | LOT 11 BLK 28 VILLAGE PLAT OF NEW BUFFALO<br><i>(Note: Not to be used on legal documents)</i> |              |     |               |   |

Date created: 1/28/2021  
Last Data Uploaded: 1/28/2021 1:06:28 AM

Developed by  **Schneider**  
GEOSPATIAL









City of New Buffalo, MI  
Thursday, January 28, 2021

## Appendix A. Zoning Ordinance

### Article 10. CBD Central Business District

#### Section 10-1. Intent and purpose.

This district is intended to provide convenience retail and services, specialty retail, tourist-oriented retail and services, entertainment establishments, and professional offices in a concentrated, but well-designed manner. This district is intended to serve the local residents as well as the vacationing or visiting public.

#### Section 10-2. Uses permitted by right and special use permit.

[Amended 2-19-2008 by Ord. No. 175; 9-22-2008 by Ord. No. 177; 2-2-2012 by Ord. No. 184]  
Land or buildings in the CBD District may be used for the following uses "by right" or by "special use permit" as identified. Those uses permitted by special use permit shall be reviewed in accordance with provisions contained in Article 17.

| Land Use  | Permitted by Right | Special Use |
|---|--------------------|-------------|
| <b>GROCERY, FOOD STUFFS, PHARMACIES AND RELATED USES</b>  |                    |             |
| 1. Grocery store  | X                  |             |
| 2. Convenience store selling foods, without gasoline sales  | X                  |             |
| 3. Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store | X                  |             |
| 4. Bulk food sales (retail)   | X                  |             |
| 5. Pharmacy (without drive-through service)   | X                  |             |
| 6. Pharmacy (with drive-through service)  |                    | X           |
| 7. Medical supplies   | X                  |             |
| 8. Liquor sales   | X                  |             |
| <b>AUTOMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE</b>   |                    |             |
| 9. Automotive parts   |                    | X           |
| 10. Marine supplies (not including watercraft sales and service)                                    | X                  |             |
| 11. Marine supplies (including watercraft sales and service)  |                    | X           |
| <b>OFFICES</b>  |                    |             |
| 12. Executive, professional, and administrative offices   | X                  |             |

| Land Use   | Permitted by Right | Special Use |
|--|--------------------|-------------|
| 13. Medical offices, out-patient clinics, and emergency medical center   |                    | X           |
| 14. Real estate and insurance  | X                  |             |
| 15. Veterinary office (but not including outdoor kennels, run, or exercise facilities)   | X                  |             |
| 16. Government and community service facility (but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character)  | X                  |             |
| 17. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, but without drive-through facilities   | X                  |             |
| 18. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, with drive-through facilities  |                    | X           |
| <b>RESTAURANTS, LOUNGES, BARS, AND PUBS</b>  |                    |             |
| 19. Restaurants, cafes, coffee shops and ice cream shops (without drive-through service)   | X                  |             |
| 20. Outdoor seating/service  |                    | X           |
| 21. Bars, lounges, or pubs (not including adult entertainment)   | X                  |             |
| <b>GENERAL AND SPECIALITY RETAIL AND PERSONAL SERVICES</b>   |                    |             |
| 22. Sporting goods (not including recreational vehicle sales and service)  | X                  |             |
| 23. Bait shops   | X                  |             |
| 24. General merchandise stores limited to new merchandise and entirely within an enclosed building (includes department and variety stores)  | X                  |             |
| 25. Used retail merchandise sales conducted entirely within an enclosed building and handling product lines classified as antiques, used, secondhand, surplus or factory seconds   |                    | X           |
| 26. Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics  | X                  |             |
| 27. Personal services including: hair salons, beauty/barber shops, florists, health and fitness clubs, photographic studios, travel agencies, locksmith, tax services, video rental (non-adult), dry cleaners (non-industrial), pet grooming and commercial day care | X                  |             |
| 28. Massage services   |                    | X           |

| Land Use  | Permitted by Right | Special Use |
|---|--------------------|-------------|
| 29. Specialty retail stores including:<br>books/news/magazine (non-adult), stationery,<br>jewelry, hobby/toys, gift/novelty,<br>luggage/leather, sewing/needlework, tobacco,<br>music/compact discs/tapes, and musical<br>instruments | X                  |             |
| 30. Apparel, including shoes and clothing<br>accessories  | X                  |             |
| 31. Hardware stores   | X                  |             |
| <b>RECREATION, LEISURE, HOTELS, AND MOTELS</b>  |                    |             |
| 32. Bowling alley, with or without the sale of food<br>and alcoholic beverages  |                    | X           |
| 33. Miniature golf  |                    | X           |
| 34. Indoor movie theater or performing arts theater<br>(not including adult entertainment)  |                    | X           |
| 35. Lodge halls, social clubs, fraternal<br>organizations, banquet halls, and other similar<br>uses not involving residential occupancy or<br>adult entertainment   |                    | X           |
| 36. Municipal parks   | X                  |             |
| 37. Hotels  |                    | X           |
| 38. Motels  |                    | X           |
| 39. Bed-and-breakfast   |                    | X           |
| <b>MISCELLANEOUS</b>  |                    |             |
| 40. Public utility buildings and uses, but not<br>including storage yards   |                    | X           |
| 41. Educational institution offices or facilities   |                    | X           |
| 42. Open-air businesses   |                    | X           |
| 43. Parking structures  |                    | X           |
| 44. Residential dwellings   |                    | X           |
| 45. Religious institutions  |                    | X           |

**Section 10-3. Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required in accordance with Article 19.
- B. Parking is required in accordance with Article 15.
- C. Signs are permitted in accordance with the requirements of Article 16.
- D. Setbacks, height, area, and lot dimensions are required as noted below.  
[Amended 3-18-2003 by Ord. No. 141]

**CBD SETBACK, HEIGHT, AREA AND LOT REQUIREMENTS**

|                         |                   |
|-------------------------|-------------------|
| Minimum lot size        | 8,000 square feet |
| Minimums lot width      | 66 feet           |
| Maximum building height | 35 feet           |

|                      |  |
|----------------------|--|
| Front yard setback   | None required  |
| Side yard setback    | When abutting nonresidentially used or zoned property: 10 feet, however, the Planning Commission may approve up to a zero setback if it can be demonstrated that the lesser setback will not adversely affect adjoining properties, and specifically light availability to existing or proposed buildings. Where abutting lots have buildings employing a common party wall no side yard shall be required.<br><br>When abutting residentially zoned property: 30 feet |
| Rear yard setback    | 25 feet  |
| Maximum lot coverage | 70% of the total lot area  |

## Section 19-1 Purpose.

The purpose of this article is to require and review those documents or drawings as specified in the ordinance, to ensure that a proposed land use or development is in compliance with this ordinance, other local ordinances, state statutes, and federal statutes. And furthermore, its purpose is to ensure that development taking place within the City of New Buffalo is properly designed, safe, efficient, environmentally sound, and developed in such a manner as to protect adjacent properties from adverse impacts.

## Section 19-2 Uses requiring site plan review.

All new construction and new uses, including the expansion of existing buildings, structures, and uses (other than single-family or two-family dwelling that are permitted by right in the zoning district in which they are located) shall require site plan review. This shall include uses permitted by right, private streets, public buildings and structures, planned unit developments, special uses, mobile home parks, and site condominium subdivisions.

## Section 19-3 Authority and responsibility for site plan review.

The Planning Commission shall have the authority and responsibility to review and make decisions regarding all plans submitted for site plan review, except where this ordinance specifically provides authority for other officials to conduct specified types of plan reviews. The Planning Commission may delegate specified review activities to staff or consultants as they may decide is appropriate.

## Section 19-4 Prohibitions prior to site plan approval.

Until a site plan is approved and in effect, no grading, removal of vegetation, filling of land, or construction shall commence for any development or use for which site plan approval is required.

## Section 19-5 Site plan review process.

[Amended 9-20-2016 by Ord. No. 219]

- A. Ten copies of a complete site plan shall be submitted to the Zoning Administrator, along with an application for that purpose and a fee, as established by resolution of the City Council from time to time.
- B. The Zoning Administrator shall review the site plan for completeness, and shall obtain comments, as the Zoning Administrator considers necessary, from the Department of Public Works, Water Department, Police Department, Fire Department, City Planner, and other City departments or consultants. Notice that site plan approval has been requested shall be mailed for information purposes only to the owners of all abutting properties, and other persons whom the Zoning Administrator deems appropriate. All such notices shall be mailed at least seven days prior to the meeting at which the Planning Commission will consider the site plan. Any failure to give notice to the owners of abutting property pursuant to this section shall not affect the validity of any action taken by the Planning Commission pursuant to this chapter.
- C. Once the Zoning Administrator determines that the site plan is complete, the Zoning Administrator shall transmit the site plan, along with comments from City departments and consultants, to the Planning Commission at least two weeks prior to the next meeting. The Zoning Administrator shall not be required to submit any site plan for review which was submitted less than 40 days prior to the next regularly scheduled Planning Commission meeting.
- D. The Planning Commission shall consider the site plan and shall recommend to City Council: (1) approval of the site plan, as submitted, if all applicable requirements and standards have been met; (2) approval of the site plan with conditions; or (3) denial of the site plan if applicable requirements and standards have not been met. All recommendations of the Planning Commission with regard to site plans shall be accompanied by written findings of fact to support its position for each item under Section 19-9, Standards for site plan review.
- E. The reasons for the Planning Commission's action, along with any conditions that may be attached, shall be stated in the meeting minutes and a copy provided to the applicant.
- F. If approved, two copies of the final site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his designated



representative.

## Section 19-6 Required contents of site plan.

The following information shall be required to be submitted for site plan review.

### A. General information:

1. The applicant's name, address, telephone number, and their interest in the project and/or property.
2. The name, address, and telephone numbers of the owner(s) of record (or the firm or corporation having a legal or equitable interest in the land), and the signatures of the owners authorizing the site plan submittal.
3. The name, address, and telephone number of the individual or firm preparing the site plan.
4. Project title.
5. Proof of property ownership or purchase agreement.
6. The legal description, address, and tax identification number of the parcel.
7. Written permission, signed by the property owner, granting the Planning Commission and City Officials authority to enter onto property which is the subject of an application for site plan approval. (This item is optional.)
8. Deed restrictions, master deed restrictions, and bylaws as applicable.

### B. Site analysis/project impact information:

1. Existing topographic elevations at two-foot intervals, proposed grades, and direction of drainage flows.
2. The location of existing structures on the subject site and on adjacent parcels within 50 feet of subject parcel.
3. Location and type of significant existing vegetation.
4. Location and elevations of existing watercourses and water bodies, including county drains, and man-made surface drainage ways, floodplains, and wetlands.

### C. Site plan information.

1. A vicinity map.
2. North arrow, and date of original submittal and all revisions.
3. A grading plan showing finished contours at a minimum interval of one foot, and correlated with existing contours so as to clearly indicate cut and fill required (All finished contour lines are to be connected to existing contour lines at or before the lot lines).
4. Location of proposed and/or existing property lines with dimensions, legal description, and statement or illustration of building setback lines.
5. The size of parcel (in acres) and a breakdown of use areas using the categories: street rights-of-way, development area, and open space.
6. The gross and net acreage of all parcels in the project. (Net acreage is the size of the parcel in acres after subtracting any area that is within a street right-of-way or formal access easement.)
7. Land uses (residential, commercial, industrial, vacant, etc.) and zoning classification for the subject parcel and adjoining parcels.

8. Location of proposed buildings (including accessory buildings) and intended uses thereof, as well as the length, width, height, and total square footage of each building. For buildings housing multiple use types, the square footage for each use type shall be provided.
  9. Indication of phases, if applicable.
  10. Location of existing streets, street rights-of-way and private easements of record.
  11. Location and dimensions of proposed streets, drives, curb cuts, driveway radii, access easements, deceleration/acceleration lanes or tapers, and passing lanes as applicable.
  12. Location, design, and dimensions of proposed parking areas (including indication of all spaces, dimensions of spaces, handicapped spaces, and method of surfacing), and fire lanes.
  13. Location, design, and dimensions of loading and unloading areas.
  14. Location, and design of all sidewalks, walkways, bicycle paths, and areas for public use.
  15. Location of water supply lines and/or wells including fire hydrants; a storm drainage plan showing storm sewers, exterior drains, dry wells, catch basins, retention/detention areas, and point of discharge for all drains; and sanitary sewer system, including septic systems, if applicable.
  16. Location of all other utilities on the site.
  17. The description of measures to be taken to control soil erosion, and sedimentation during and after completion of grading and construction operations.
  18. Location, size, and specifications of all signs with cross-sections.
  19. Exterior lighting locations whether pole-mounted or building-mounted and a statement included that all lighting will be shielded to avoid spill over to adjacent properties or streets. If pole-mounted, the height of pole shall be included.
  20. Location and specifications for all proposed perimeter and internal landscaping and other screening features. For all new landscape material the proposed size upon installation shall be indicated. Existing landscaping to be retained shall also be indicated.
  21. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
  22. Seal of the registered engineer, architect, or surveyor who prepared the site plan.
- D. Waiver of site plan requirements. Specific requirements of this section may be waived by the Planning Commission where it is determined that such information is not applicable to the subject request.

### **Section 19-7 Expiration of site plan approval.**

Unless a building permit has been issued, and on-site construction has actually started within one year of the date of the Planning Commission's approval of the site plan, approval of the site plan shall expire and be of no effect. If an approved site plan expires per this section, no permits for development or use of the subject property shall be issued until the site plan has been resubmitted and approved, subject to the provisions of Article 19. The Planning Commission, in its discretion, may authorize up to one extension of this time limit up to one additional year; provided a written request for such extension is submitted by the property owner to the Planning Commission prior to the expiration of the original approval. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the extension period.

### **Section 19-8 Amendment of approved site plan.**

A site plan may be amended based upon whether the desired amendment is classified as a major or minor amendment to the site plan. Major amendments shall require review and approval by the Planning Commission and minor amendments shall only require the approval of the Zoning Administrator.

- A. Major amendments shall include one or more of the following:
1. A change in the original concept of the development.
  2. A change in the use or character of the development.
  3. A change in the type of dwelling unit being proposed.
  4. An increase in the number of dwelling units planned.
  5. An increase in floor area of more than 10%.
  6. A change in the basic layout or design of the project.
  7. A change in the character, function, or location of any street or access driveway.
  8. A reduction in the amount of open space, or relocation of open space areas.
  9. The movement of a building footprint by more than 10 feet.
- B. Minor amendments shall include one or more of the following:
1. A change in floor area of 10% or less.
  2. Additions to parking lots of up to 10 spaces.
  3. The movement of a building footprint of 10 feet or less.
  4. Substitutions in type of landscape plantings not to exceed 20% of the total amount of landscape materials; provided such materials are comparable to those they would replace.
  5. Accessory buildings having less than 1,000 square feet of area for commercial, industrial, or institutional uses.

### **Section 19-9 Standards for site plan review.**

To promote orderly development which is safe, efficient, attractive, sensitive to environmental concerns, and generally promotes the welfare of the City's citizens, all developments and uses, in addition to meeting applicable specific standards as identified in this ordinance, shall also meet the following general standards.

- A. Organization of elements. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be designed so that there will be no impediment to the development of adjoining property.
- B. Landscape preservation. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Drainage design. The drainage portion of the site plan shall be designed to City storm design standards and not increase water run-off to adjoining properties, nor overburden watercourses in the area. Retention or detention areas shall be kept to the smallest number possible.
- D. Soil preservation. Site plans shall be developed to prevent or minimize problems with soil erosion or sedimentation.
- E. Privacy provisions. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of occupants.
- F. Emergency vehicle accessibility. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle accessibility. Fire lanes shall be provided as deemed necessary by the Fire Chief to provide adequate fire protection.

- G. Connective access to public streets. Every building or dwelling unit shall have connective access to a public or private street by some form of pedestrian sidewalk or pathway.
- H. Pedestrian circulation system. Sidewalks shall be provided, unless specifically waived by the Planning Commission.
- I. Compatibility with existing or planned streets and pathways. The arrangement of streets, sidewalks, and other path systems shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern shall be of a width appropriate to the traffic volume they will carry, and shall have a dedicated right-of-way equal to that specified in any formally-adopted street plan or planned right-of-way.
- J. Efficient and safe traffic systems. Street systems shall be designed to be as efficient as possible, and in compliance with commonly accepted traffic engineering standards for safety.

### **Section 19-10 Site plan inspection.**

The applicant shall notify the Zoning Administrator when any project that required site plan review is finished and occupancy is desired. A site plan inspection shall be undertaken by the Zoning Administrator prior to an occupancy permit being issued. The Zoning Administrator shall make the determination that the completed project has met the site plan requirements, or identify incomplete items. If the site plan is deemed complete, the City may issue the occupancy permit. If the project is deemed incomplete the Zoning Administrator shall inform the applicant of the items which must be completed before occupancy will be granted. The City may allow occupancy prior to 100% completion of the site plan, if the undone portion will not jeopardize the safe use of the building, and the applicant provides the City with a performance bond or other financial guarantee acceptable to the City that gives the City the means to complete the project in case of default by the applicant.

### **Section 19-11 Fees.**

Fees for the review of site plans and inspections as required by this article, shall be established and may be amended by resolution of the City Council. Fees may include base fees or escrow fees, as established by the City Council.

### **Section 19-12 Violations.**

Any failure on the part of the applicant or landowner to comply with any of the provisions of the site plan approval shall be deemed a violation of this ordinance and subject to the penalties prescribed in Article 22. Furthermore, any project for which construction has commenced and no construction activity has taken place for a six-month period shall be a violation of this ordinance.



## City of New Buffalo

### Special Use Permit Staff Report

**Hearing Date:** February 17, 2021

**Project Number:** V2021-0001

**Applicant:** Ben Smock

**Subject Property Address:** 9 S Barton Street, New Buffalo, MI 49117

**Nature of the Request:** Site Plan & Special Use request for Restaurant outdoor seating area.

**Zoning District:** CBD "Central Business District"

### OVERVIEW

The applicant is Ben Smock, of 9 S Barton Street, New Buffalo, MI 49117. The applicant requests a special use permit for eating establishment outdoor seating. Article 10 Sec. 10-2 "Uses permitted by right and special use permit". Allows (item 20) "Outdoor seating/service with special use permit.

This location, 9 S Barton Street is a former, "Restaurant, Café" and is now under new ownership and is being renovated for a new eating establishment called "The Hummingbird Lounge". All appropriate permits have been obtained and compliance inspections are underway.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the special use request for outside seating establishment at 9 S Barton Street with any requested stipulations from Planning Commission.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



City Staff  
Use Only

|                 |                     |                     |
|-----------------|---------------------|---------------------|
| Project Name    | PAID                | REC'D               |
| Project Number  | DEC 16 2020         | DEC 15 2020         |
| Review Fee Paid | City of New Buffalo | 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 Ben Smock


Address 

Telephone 

E) Property owner(s) principal contact:

Name Ben Smock

Address 

Telephone 

B) Applicant(s) secondary contact:

Name Mike Smith

Address 

Telephone 

F) Architect (if applicable):

Name Neringa Design

Address 

Telephone 

C) Agent or Attorney (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

G) Engineer (if applicable):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

D) Is the property held in Trust\*:

Yes - Answer below    X No - Skip below

Name of Trust \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

H) Applicant is (check one):

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

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

TCF BANK  
17.7000/2910

1003

Hummingbird Lounge LLC

12/11/2020

PAY TO THE  
ORDER OF

CITY OF NEW BUFFALO

\$ 350.00

Three Hundred Fifty and 00/100

DOLLARS

PROTECTED AGAINST FRAUD

MEMO

PLANNING COMMISSION APPLICATION

*[Signature]*

CITY OF NEW BUFFALO  
224 W. BUFFALO STREET  
NEW BUFFALO, MI 49117  
Phone : (269) 469-1500

Received From: SMOCK  
Date: 12/18/2020 Time: 8:23:27 AM  
Receipt: 87787  
Cashier: AMY

9 S. BARTON ST

| ITEM REFERENCE               | AMOUNT   |
|------------------------------|----------|
| SITE SITE PLAN REVIEW        |          |
| SITE PLAN REVIEW 9 S. BARTON | \$350.00 |
| TOTAL                        | \$350.00 |
| CHECK 1003                   | \$350.00 |
| Total Tendered:              | \$350.00 |
| Change:                      | \$0.00   |

**II. Purpose of Application**

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

- |  |   |                      |
|--|---|----------------------|
| Rezoning of Property                     | Subdivision Approval                        | X Site Plan Approval |
| Rezoning Amendment                       | Variance(s) Approval                        | Special Use Approval |
| Lot Split – Subdivision or Land Division | Other: <u>Outdoor Service Area approval</u> |                      |

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

We purchased an existing Restaurant at 9 S Barton St, New Buffalo, MI and the  
Class C liquor license for the property. The conditional transfer has been approved.  
We are applying for an outdoor service area permit, to include a 19'x19' deck and the  
patio area (please see attached plans).

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:

We are requesting permission to build decorative perimeter fencing (as shown) and to  
be approved for an outdoor service area permit.

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:

9 S Barton St New Buffalo, MI 49117

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

Lot 11, Block 28 of MAP OF NEW BUFFALO, according to the plat thereof record in Liber "C" of Deeds, page 105 of Berrien County Records.

C) Permanent Real Estate Tax Identification Number: 11-62-0340-0335-01-5

D) Parcel Size: 8,712 Square feet

Acres

66 feet

Dimension of lot frontage

132 feet

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:            | <u>CBD</u>     | <u>Restaurant (vacant)</u>         |
| 2. Adjoining property: |                |                                    |
| a) North of Site       | <u>CBD</u>     | <u>Parking Lot (shared w bank)</u> |
| b) South of Site       | <u>R1</u>      | <u>vacant lot</u>                  |
| c) East of Site        | <u>CBD</u>     | <u>Parking Lot (shared w bank)</u> |
| d) West of Site        | <u>Street</u>  | <u>S Barton</u>                    |

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

There is an existing structure facing Barton St that is Restaurant on the main level with owner's quarters on the second floor.

There is an existing garage on the southeast corner of the lot that has a second floor

loft. We intend to add a 6' solid fence along the south lot line, along with a picket fence on the north lot line.

**IV. Description of the Proposed Development**

A) Please describe the proposed use of the land and/or building assuming approval of the request:  
We intend to provide indoor and outdoor food and beverage service, as permitted.

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B) What is the proposed time frame for the build-out of this development: Opening March 2021

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   | 2                   | 0                     | 2538                   | 32*                     |                             |                             |
| Gen. Commercial GCD    |                     |                       |                        |                         |                             |                             |
| Waterfront Marina WM   |                     |                       |                        |                         |                             |                             |
| General Industrial I-1 |                     |                       |                        |                         |                             |                             |
| <b>TOTAL</b>           | <b>2</b>            | <b>0</b>              | <b>2538</b>            | <b>32*</b>              |                             |                             |

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):

**No**

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**V. Attachments**

- A) \_\_\_\_\_ Plat of Survey with legal description.
- B) X 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) X Application fee in the amount of \$ 350.00.
- 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 MLCC Class C Liquor with outdoor service area
- 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):

Our intention is to open Hummingbird Lounge, a food and drink establishment, in the  
Spring of 2021. Hummingbird Lounge will provide an additional dining option for  
locals and visitors alike. Our outdoor seating area is designed to be a lush garden,  
which will provide a unique setting for afternoon snacks or evening cocktails.

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**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, Benjamin M. Smock, 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: 12/10/2020

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: \_\_\_\_\_

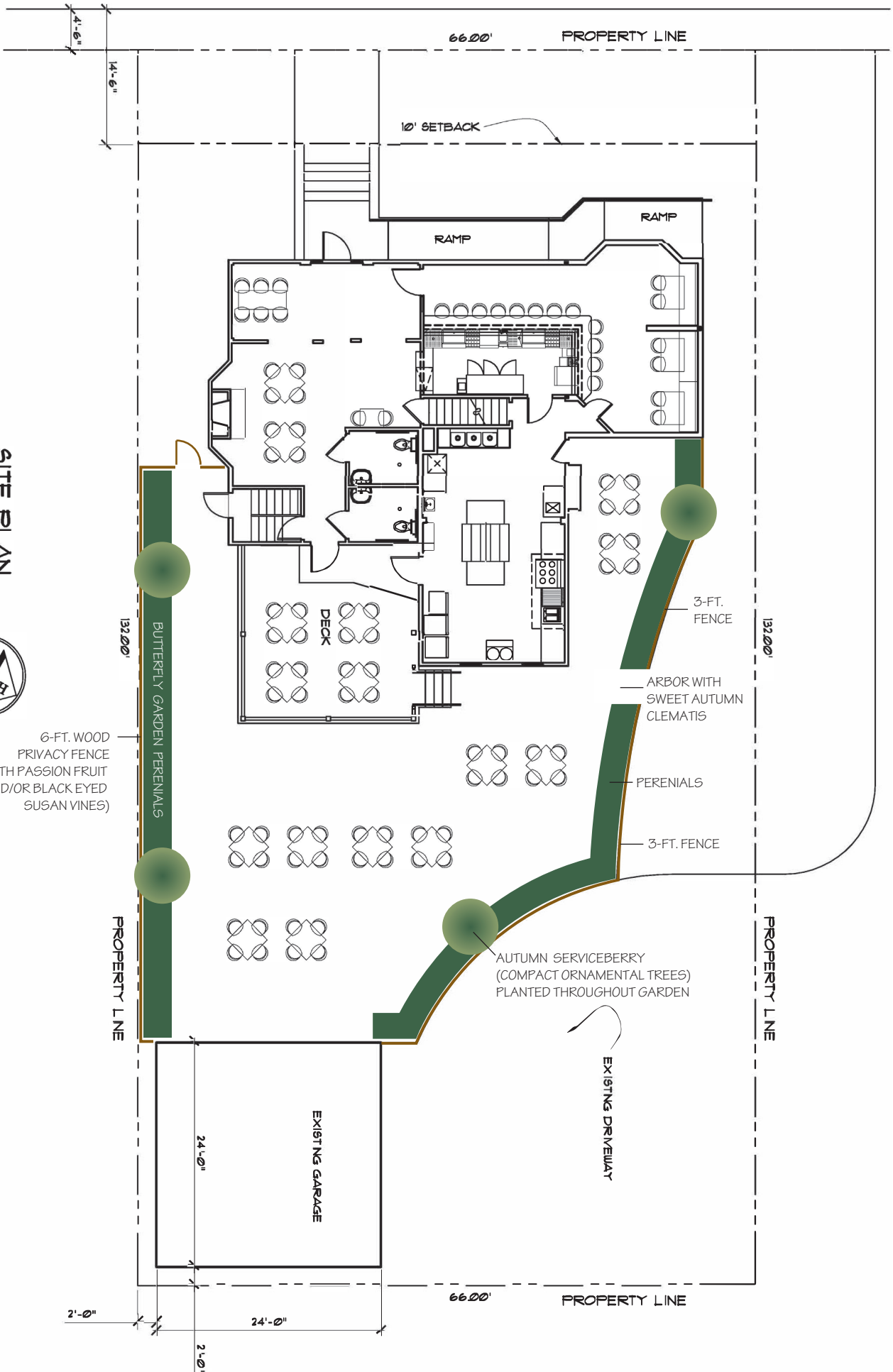
Initial meeting date: \_\_\_\_\_

BARTON STREET

**SITE PLAN**  
SCALE: 1/8" = 1'-0"



6-FT. WOOD  
PRIVACY FENCE  
(WITH PASSION FRUIT  
AND/OR BLACK EYED  
SUSAN VINES)



132.00'

PROPERTY LINE

2'-0"

2'-0"

24'-0"

24'-0"

66.00'

PROPERTY LINE

EXISTING DRIVEWAY

AUTUMN SERVICEBERRY  
(COMPACT ORNAMENTAL TREES)  
PLANTED THROUGHOUT GARDEN

3-FT. FENCE

PERENIALS

ARBOR WITH  
SWEET AUTUMN  
CLEMATIS

3-FT.  
FENCE

132.00'

PROPERTY LINE

10' SETBACK

RAMP

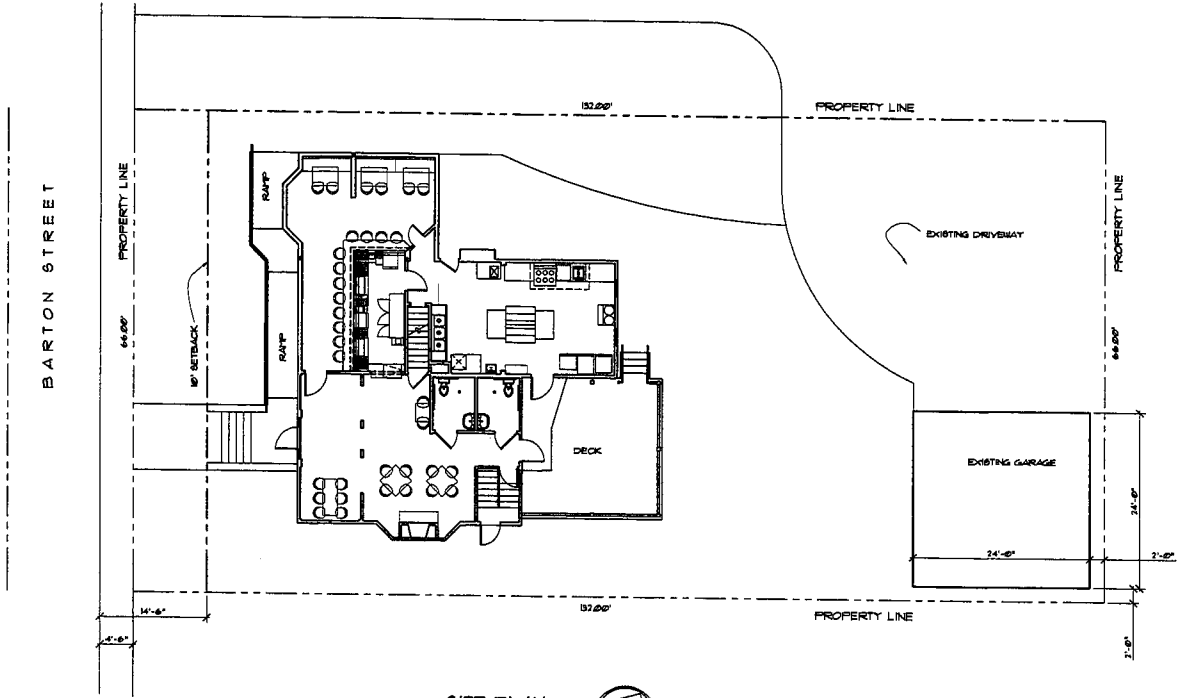
RAMP

66.00'

PROPERTY LINE

4'-6"

14'-6"



SITE PLAN  
SCALE: 1/8" = 1'-0"



NERINGA ARCHITECTS, A.L.L.  
105 W. MERCHANT ST.  
NEW BUFFALO, MI 49117  
616-468-4686

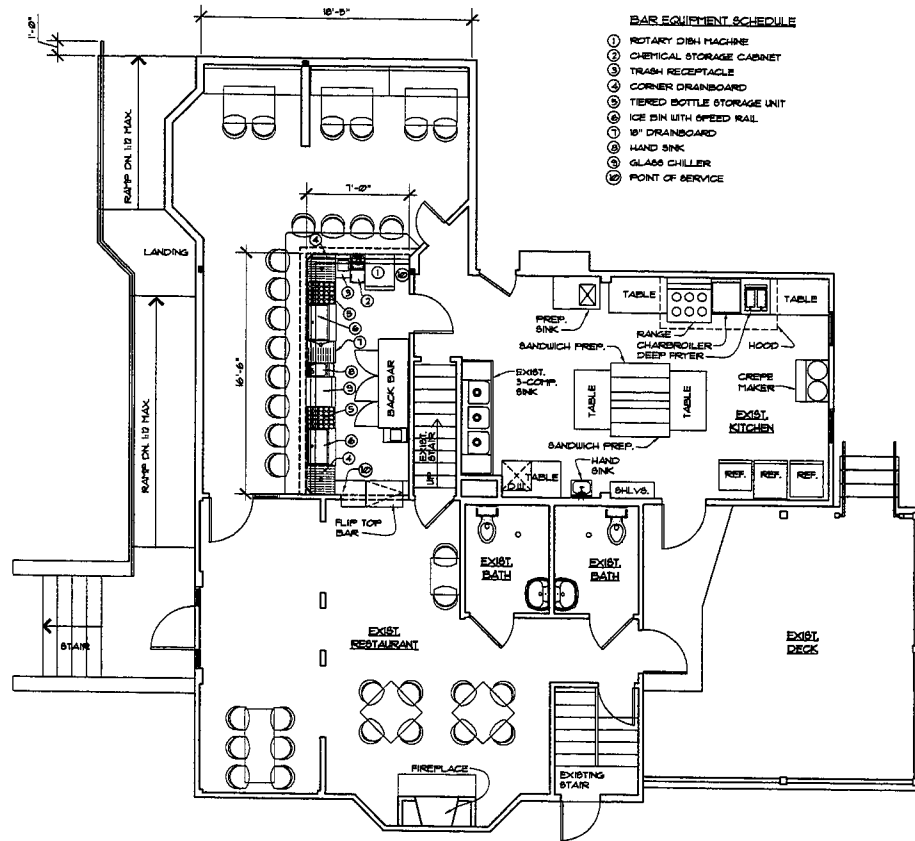
**Neringa**  
Design  
ARCHITECTS

HUMMINGBIRD LOUNGE  
BEN SMOCK  
9 S. BARTON ST  
NEW BUFFALO

SITE PLAN

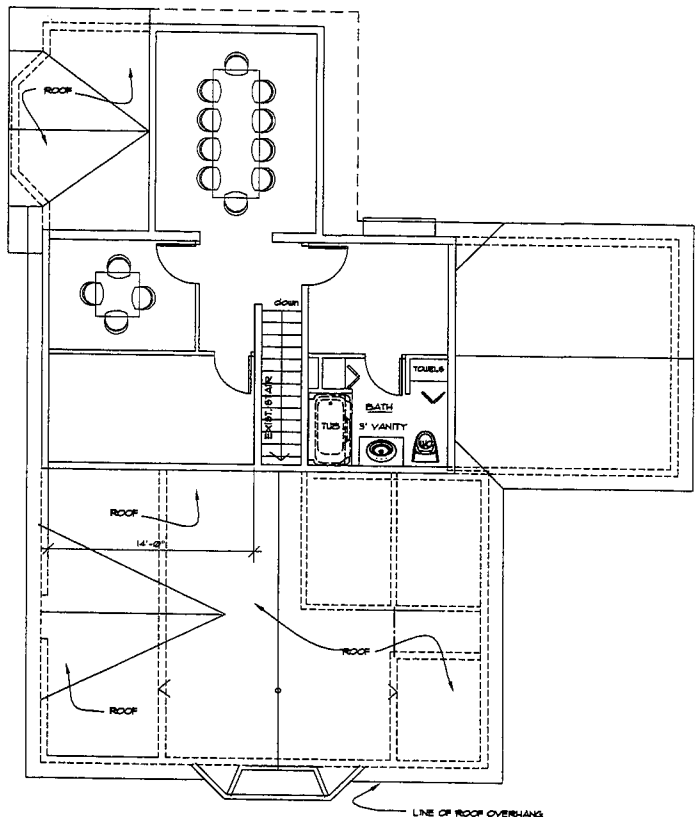
12/18/20  
12/20/20  
Drawing #

1.3



- BAR EQUIPMENT SCHEDULE**
- ① ROTARY DISH MACHINE
  - ② CHEMICAL STORAGE CABINET
  - ③ TRASH RECEPTACLE
  - ④ CORNER DRAINBOARD
  - ⑤ TIERED BOTTLE STORAGE UNIT
  - ⑥ ICE BIN WITH SPEED RAIL
  - ⑦ 16" DRAINBOARD
  - ⑧ HAND SINK
  - ⑨ GLASS CHILLER
  - ⑩ POINT OF SERVICE

**1ST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



2ND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

NERINGA PISCEKAS, AIA  
105 W. MERCHANT ST.  
NEW BUFFALO, MI 40117  
616-489-4886

**Neringa**  
Design &  
Architects

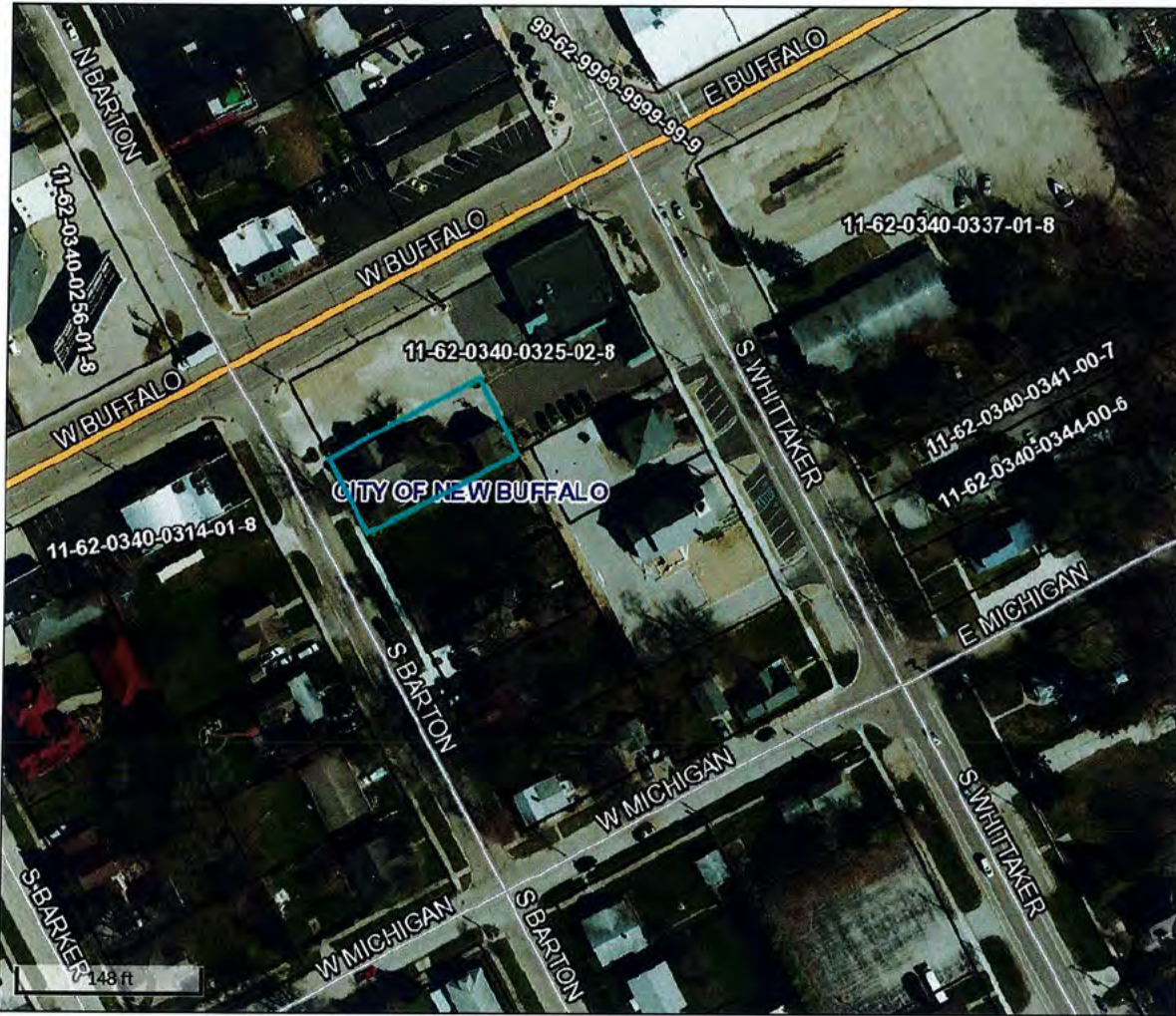
HUMMINGBIRD LOUNGE  
BEN SMOCK  
9 S. BARTON ST.  
NEW BUFFALO, MICHIGAN

2ND FLOOR PLAN

DATE  
12/10/10  
DRAWING NO.

3.3





Overview



Legend

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

|                       |   |              |     |               |   |
|-----------------------|---|--------------|-----|---------------|---|
| Parcel ID             | 11-62-0340-0335-01-5  | Alternate ID | n/a | Owner Address | VOBEN LLC   |
| Sec/Twp/Rng           | n/a   | Class        | 201 |               |  |
| Property Address      | 9 S BARTON ST<br>NEW BUFFALO  | Acreage      | n/a |               |   |
| District              | 11200   |              |     |               |   |
| Brief Tax Description | LOT 11 BLK 28 VILLAGE PLAT OF NEW BUFFALO<br><i>(Note: Not to be used on legal documents)</i> |              |     |               |   |

Date created: 1/28/2021  
Last Data Uploaded: 1/28/2021 1:06:28 AM

Developed by  Schneider  
GEO SPATIAL







City of New Buffalo, MI  
Thursday, January 28, 2021

## Appendix A. Zoning Ordinance

### Article 10. CBD Central Business District

#### Section 10-1. Intent and purpose.

This district is intended to provide convenience retail and services, specialty retail, tourist-oriented retail and services, entertainment establishments, and professional offices in a concentrated, but well-designed manner. This district is intended to serve the local residents as well as the vacationing or visiting public.

#### Section 10-2. Uses permitted by right and special use permit.

[Amended 2-19-2008 by Ord. No. 175; 9-22-2008 by Ord. No. 177; 2-2-2012 by Ord. No. 184]  
Land or buildings in the CBD District may be used for the following uses "by right" or by "special use permit" as identified. Those uses permitted by special use permit shall be reviewed in accordance with provisions contained in Article 17.

| Land Use  | Permitted by Right | Special Use |
|---|--------------------|-------------|
| <b>GROCERY, FOOD STUFFS, PHARMACIES AND RELATED USES</b>  |                    |             |
| 1. Grocery store  | X                  |             |
| 2. Convenience store selling foods, without gasoline sales  | X                  |             |
| 3. Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store | X                  |             |
| 4. Bulk food sales (retail)   | X                  |             |
| 5. Pharmacy (without drive-through service)   | X                  |             |
| 6. Pharmacy (with drive-through service)  |                    | X           |
| 7. Medical supplies   | X                  |             |
| 8. Liquor sales   | X                  |             |
| <b>AUTOMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE</b>   |                    |             |
| 9. Automotive parts   |                    | X           |
| 10. Marine supplies (not including watercraft sales and service)                                    | X                  |             |
| 11. Marine supplies (including watercraft sales and service)  |                    | X           |
| <b>OFFICES</b>  |                    |             |
| 12. Executive, professional, and administrative offices   | X                  |             |

| Land Use   | Permitted by Right | Special Use |
|--|--------------------|-------------|
| 13. Medical offices, out-patient clinics, and emergency medical center   |                    | X           |
| 14. Real estate and insurance  | X                  |             |
| 15. Veterinary office (but not including outdoor kennels, run, or exercise facilities)   | X                  |             |
| 16. Government and community service facility (but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character)  | X                  |             |
| 17. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, but without drive-through facilities   | X                  |             |
| 18. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, with drive-through facilities  |                    | X           |
| <b>RESTAURANTS, LOUNGES, BARS, AND PUBS</b>  |                    |             |
| 19. Restaurants, cafes, coffee shops and ice cream shops (without drive-through service)   | X                  |             |
| 20. Outdoor seating/service  |                    | X           |
| 21. Bars, lounges, or pubs (not including adult entertainment)   | X                  |             |
| <b>GENERAL AND SPECIALITY RETAIL AND PERSONAL SERVICES</b>   |                    |             |
| 22. Sporting goods (not including recreational vehicle sales and service)  | X                  |             |
| 23. Bait shops   | X                  |             |
| 24. General merchandise stores limited to new merchandise and entirely within an enclosed building (includes department and variety stores)  | X                  |             |
| 25. Used retail merchandise sales conducted entirely within an enclosed building and handling product lines classified as antiques, used, secondhand, surplus or factory seconds   |                    | X           |
| 26. Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics  | X                  |             |
| 27. Personal services including: hair salons, beauty/barber shops, florists, health and fitness clubs, photographic studios, travel agencies, locksmith, tax services, video rental (non-adult), dry cleaners (non-industrial), pet grooming and commercial day care | X                  |             |
| 28. Massage services   |                    | X           |

| Land Use  | Permitted by Right | Special Use |
|---|--------------------|-------------|
| 29. Specialty retail stores including:<br>books/news/magazine (non-adult), stationery,<br>jewelry, hobby/toys, gift/novelty,<br>luggage/leather, sewing/needlework, tobacco,<br>music/compact discs/tapes, and musical<br>instruments | X                  |             |
| 30. Apparel, including shoes and clothing<br>accessories  | X                  |             |
| 31. Hardware stores   | X                  |             |
| <b>RECREATION, LEISURE, HOTELS, AND MOTELS</b>  |                    |             |
| 32. Bowling alley, with or without the sale of food<br>and alcoholic beverages  |                    | X           |
| 33. Miniature golf  |                    | X           |
| 34. Indoor movie theater or performing arts theater<br>(not including adult entertainment)  |                    | X           |
| 35. Lodge halls, social clubs, fraternal<br>organizations, banquet halls, and other similar<br>uses not involving residential occupancy or<br>adult entertainment   |                    | X           |
| 36. Municipal parks   | X                  |             |
| 37. Hotels  |                    | X           |
| 38. Motels  |                    | X           |
| 39. Bed-and-breakfast   |                    | X           |
| <b>MISCELLANEOUS</b>  |                    |             |
| 40. Public utility buildings and uses, but not<br>including storage yards   |                    | X           |
| 41. Educational institution offices or facilities   |                    | X           |
| 42. Open-air businesses   |                    | X           |
| 43. Parking structures  |                    | X           |
| 44. Residential dwellings   |                    | X           |
| 45. Religious institutions  |                    | X           |

**Section 10-3. Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required in accordance with Article 19.
- B. Parking is required in accordance with Article 15.
- C. Signs are permitted in accordance with the requirements of Article 16.
- D. Setbacks, height, area, and lot dimensions are required as noted below.  
[Amended 3-18-2003 by Ord. No. 141]

**CBD SETBACK, HEIGHT, AREA AND LOT REQUIREMENTS**

|                         |                   |
|-------------------------|-------------------|
| Minimum lot size        | 8,000 square feet |
| Minimums lot width      | 66 feet           |
| Maximum building height | 35 feet           |

|                      |  |
|----------------------|--|
| Front yard setback   | None required  |
| Side yard setback    | When abutting nonresidentially used or zoned property: 10 feet, however, the Planning Commission may approve up to a zero setback if it can be demonstrated that the lesser setback will not adversely affect adjoining properties, and specifically light availability to existing or proposed buildings. Where abutting lots have buildings employing a common party wall no side yard shall be required.<br><br>When abutting residentially zoned property: 30 feet |
| Rear yard setback    | 25 feet  |
| Maximum lot coverage | 70% of the total lot area  |



## Section 19-1 Purpose.

The purpose of this article is to require and review those documents or drawings as specified in the ordinance, to ensure that a proposed land use or development is in compliance with this ordinance, other local ordinances, state statutes, and federal statutes. And furthermore, its purpose is to ensure that development taking place within the City of New Buffalo is properly designed, safe, efficient, environmentally sound, and developed in such a manner as to protect adjacent properties from adverse impacts.

## Section 19-2 Uses requiring site plan review.

All new construction and new uses, including the expansion of existing buildings, structures, and uses (other than single-family or two-family dwelling that are permitted by right in the zoning district in which they are located) shall require site plan review. This shall include uses permitted by right, private streets, public buildings and structures, planned unit developments, special uses, mobile home parks, and site condominium subdivisions.

## Section 19-3 Authority and responsibility for site plan review.

The Planning Commission shall have the authority and responsibility to review and make decisions regarding all plans submitted for site plan review, except where this ordinance specifically provides authority for other officials to conduct specified types of plan reviews. The Planning Commission may delegate specified review activities to staff or consultants as they may decide is appropriate.

## Section 19-4 Prohibitions prior to site plan approval.

Until a site plan is approved and in effect, no grading, removal of vegetation, filling of land, or construction shall commence for any development or use for which site plan approval is required.

## Section 19-5 Site plan review process.

[Amended 9-20-2016 by Ord. No. 219]

- A. Ten copies of a complete site plan shall be submitted to the Zoning Administrator, along with an application for that purpose and a fee, as established by resolution of the City Council from time to time.
- B. The Zoning Administrator shall review the site plan for completeness, and shall obtain comments, as the Zoning Administrator considers necessary, from the Department of Public Works, Water Department, Police Department, Fire Department, City Planner, and other City departments or consultants. Notice that site plan approval has been requested shall be mailed for information purposes only to the owners of all abutting properties, and other persons whom the Zoning Administrator deems appropriate. All such notices shall be mailed at least seven days prior to the meeting at which the Planning Commission will consider the site plan. Any failure to give notice to the owners of abutting property pursuant to this section shall not affect the validity of any action taken by the Planning Commission pursuant to this chapter.
- C. Once the Zoning Administrator determines that the site plan is complete, the Zoning Administrator shall transmit the site plan, along with comments from City departments and consultants, to the Planning Commission at least two weeks prior to the next meeting. The Zoning Administrator shall not be required to submit any site plan for review which was submitted less than 40 days prior to the next regularly scheduled Planning Commission meeting.
- D. The Planning Commission shall consider the site plan and shall recommend to City Council: (1) approval of the site plan, as submitted, if all applicable requirements and standards have been met; (2) approval of the site plan with conditions; or (3) denial of the site plan if applicable requirements and standards have not been met. All recommendations of the Planning Commission with regard to site plans shall be accompanied by written findings of fact to support its position for each item under Section 19-9, Standards for site plan review.
- E. The reasons for the Planning Commission's action, along with any conditions that may be attached, shall be stated in the meeting minutes and a copy provided to the applicant.
- F. If approved, two copies of the final site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his designated

representative.

## Section 19-6 Required contents of site plan.

The following information shall be required to be submitted for site plan review.

### A. General information:

1. The applicant's name, address, telephone number, and their interest in the project and/or property.
2. The name, address, and telephone numbers of the owner(s) of record (or the firm or corporation having a legal or equitable interest in the land), and the signatures of the owners authorizing the site plan submittal.
3. The name, address, and telephone number of the individual or firm preparing the site plan.
4. Project title.
5. Proof of property ownership or purchase agreement.
6. The legal description, address, and tax identification number of the parcel.
7. Written permission, signed by the property owner, granting the Planning Commission and City Officials authority to enter onto property which is the subject of an application for site plan approval. (This item is optional.)
8. Deed restrictions, master deed restrictions, and bylaws as applicable.

### B. Site analysis/project impact information:

1. Existing topographic elevations at two-foot intervals, proposed grades, and direction of drainage flows.
2. The location of existing structures on the subject site and on adjacent parcels within 50 feet of subject parcel.
3. Location and type of significant existing vegetation.
4. Location and elevations of existing watercourses and water bodies, including county drains, and man-made surface drainage ways, floodplains, and wetlands.

### C. Site plan information.

1. A vicinity map.
2. North arrow, and date of original submittal and all revisions.
3. A grading plan showing finished contours at a minimum interval of one foot, and correlated with existing contours so as to clearly indicate cut and fill required (All finished contour lines are to be connected to existing contour lines at or before the lot lines).
4. Location of proposed and/or existing property lines with dimensions, legal description, and statement or illustration of building setback lines.
5. The size of parcel (in acres) and a breakdown of use areas using the categories: street rights-of-way, development area, and open space.
6. The gross and net acreage of all parcels in the project. (Net acreage is the size of the parcel in acres after subtracting any area that is within a street right-of-way or formal access easement.)
7. Land uses (residential, commercial, industrial, vacant, etc.) and zoning classification for the subject parcel and adjoining parcels.

8. Location of proposed buildings (including accessory buildings) and intended uses thereof, as well as the length, width, height, and total square footage of each building. For buildings housing multiple use types, the square footage for each use type shall be provided.
  9. Indication of phases, if applicable.
  10. Location of existing streets, street rights-of-way and private easements of record.
  11. Location and dimensions of proposed streets, drives, curb cuts, driveway radii, access easements, deceleration/acceleration lanes or tapers, and passing lanes as applicable.
  12. Location, design, and dimensions of proposed parking areas (including indication of all spaces, dimensions of spaces, handicapped spaces, and method of surfacing), and fire lanes.
  13. Location, design, and dimensions of loading and unloading areas.
  14. Location, and design of all sidewalks, walkways, bicycle paths, and areas for public use.
  15. Location of water supply lines and/or wells including fire hydrants; a storm drainage plan showing storm sewers, exterior drains, dry wells, catch basins, retention/detention areas, and point of discharge for all drains; and sanitary sewer system, including septic systems, if applicable.
  16. Location of all other utilities on the site.
  17. The description of measures to be taken to control soil erosion, and sedimentation during and after completion of grading and construction operations.
  18. Location, size, and specifications of all signs with cross-sections.
  19. Exterior lighting locations whether pole-mounted or building-mounted and a statement included that all lighting will be shielded to avoid spill over to adjacent properties or streets. If pole-mounted, the height of pole shall be included.
  20. Location and specifications for all proposed perimeter and internal landscaping and other screening features. For all new landscape material the proposed size upon installation shall be indicated. Existing landscaping to be retained shall also be indicated.
  21. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
  22. Seal of the registered engineer, architect, or surveyor who prepared the site plan.
- D. Waiver of site plan requirements. Specific requirements of this section may be waived by the Planning Commission where it is determined that such information is not applicable to the subject request.

### **Section 19-7 Expiration of site plan approval.**

Unless a building permit has been issued, and on-site construction has actually started within one year of the date of the Planning Commission's approval of the site plan, approval of the site plan shall expire and be of no effect. If an approved site plan expires per this section, no permits for development or use of the subject property shall be issued until the site plan has been resubmitted and approved, subject to the provisions of Article 19. The Planning Commission, in its discretion, may authorize up to one extension of this time limit up to one additional year; provided a written request for such extension is submitted by the property owner to the Planning Commission prior to the expiration of the original approval. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the extension period.

### **Section 19-8 Amendment of approved site plan.**

A site plan may be amended based upon whether the desired amendment is classified as a major or minor amendment to the site plan. Major amendments shall require review and approval by the Planning Commission and minor amendments shall only require the approval of the Zoning Administrator.

- A. Major amendments shall include one or more of the following:
1. A change in the original concept of the development.
  2. A change in the use or character of the development.
  3. A change in the type of dwelling unit being proposed.
  4. An increase in the number of dwelling units planned.
  5. An increase in floor area of more than 10%.
  6. A change in the basic layout or design of the project.
  7. A change in the character, function, or location of any street or access driveway.
  8. A reduction in the amount of open space, or relocation of open space areas.
  9. The movement of a building footprint by more than 10 feet.
- B. Minor amendments shall include one or more of the following:
1. A change in floor area of 10% or less.
  2. Additions to parking lots of up to 10 spaces.
  3. The movement of a building footprint of 10 feet or less.
  4. Substitutions in type of landscape plantings not to exceed 20% of the total amount of landscape materials; provided such materials are comparable to those they would replace.
  5. Accessory buildings having less than 1,000 square feet of area for commercial, industrial, or institutional uses.

### **Section 19-9 Standards for site plan review.**

To promote orderly development which is safe, efficient, attractive, sensitive to environmental concerns, and generally promotes the welfare of the City's citizens, all developments and uses, in addition to meeting applicable specific standards as identified in this ordinance, shall also meet the following general standards.

- A. Organization of elements. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be designed so that there will be no impediment to the development of adjoining property.
- B. Landscape preservation. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Drainage design. The drainage portion of the site plan shall be designed to City storm design standards and not increase water run-off to adjoining properties, nor overburden watercourses in the area. Retention or detention areas shall be kept to the smallest number possible.
- D. Soil preservation. Site plans shall be developed to prevent or minimize problems with soil erosion or sedimentation.
- E. Privacy provisions. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of occupants.
- F. Emergency vehicle accessibility. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle accessibility. Fire lanes shall be provided as deemed necessary by the Fire Chief to provide adequate fire protection.

- G. Connective access to public streets. Every building or dwelling unit shall have connective access to a public or private street by some form of pedestrian sidewalk or pathway.
- H. Pedestrian circulation system. Sidewalks shall be provided, unless specifically waived by the Planning Commission.
- I. Compatibility with existing or planned streets and pathways. The arrangement of streets, sidewalks, and other path systems shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern shall be of a width appropriate to the traffic volume they will carry, and shall have a dedicated right-of-way equal to that specified in any formally-adopted street plan or planned right-of-way.
- J. Efficient and safe traffic systems. Street systems shall be designed to be as efficient as possible, and in compliance with commonly accepted traffic engineering standards for safety.

### **Section 19-10 Site plan inspection.**

The applicant shall notify the Zoning Administrator when any project that required site plan review is finished and occupancy is desired. A site plan inspection shall be undertaken by the Zoning Administrator prior to an occupancy permit being issued. The Zoning Administrator shall make the determination that the completed project has met the site plan requirements, or identify incomplete items. If the site plan is deemed complete, the City may issue the occupancy permit. If the project is deemed incomplete the Zoning Administrator shall inform the applicant of the items which must be completed before occupancy will be granted. The City may allow occupancy prior to 100% completion of the site plan, if the undone portion will not jeopardize the safe use of the building, and the applicant provides the City with a performance bond or other financial guarantee acceptable to the City that gives the City the means to complete the project in case of default by the applicant.

### **Section 19-11 Fees.**

Fees for the review of site plans and inspections as required by this article, shall be established and may be amended by resolution of the City Council. Fees may include base fees or escrow fees, as established by the City Council.

### **Section 19-12 Violations.**

Any failure on the part of the applicant or landowner to comply with any of the provisions of the site plan approval shall be deemed a violation of this ordinance and subject to the penalties prescribed in Article 22. Furthermore, any project for which construction has commenced and no construction activity has taken place for a six-month period shall be a violation of this ordinance.



**City of New Buffalo  
PLANNING COMMISSION  
Site Plan Application  
Staff Report**

**Hearing Date:** February 17, 2021

**Project Number:** PZ2021-0001

**Applicant:** John Lustina

**Property Owner:** Jane Simon

**Subject Property Address:** 36 S Whittaker Street, New Buffalo, MI 49117

**Nature of the Request:** Site Plan application for construction of additional outdoor restaurant seating expansion.

**Zoning District:** CBD "Central Business District"

**OVERVIEW**

The applicant is Rockford Construction, of 601 First Street NW, Grand Rapids MI 49504. The applicant requests site plan approval for construction of additional outdoor seating and service area for existing restaurant. a special use permit for eating establishment outdoor seating. Article 10 Sec. 10-2 "Uses permitted by right and special use permit". Allows (item 20) "Outdoor seating/service with special use permit. Original Site Plan and Special Use permit for outdoor seating was approved in 2018.

All appropriate Building permits will be required for this project.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the special use request for outside seating expansion at 36 S Whittaker Street with any requested stipulations from Planning Commission.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo

Beer Church Brewing Co. saved the landmark iconic church built in 1861 when it first purchased the building in 2015 and saved it from knockdown while committing to rebuilding the landmark from its very foundation with an investment that now tops several million dollars.

The majority owners are full-time residents of New Buffalo and its Central Business District—fully participating in, and paying tax dollars to, the local community.

Beer Church Brewing Co. employs in excess of 60 locals and last year alone, even during a Pandemic and two state shutdowns, contributed over 80,000 visitors to the local economy.

Since 2017, Beer Church Brewing Co. has been mentioned as a travel destination in the Chicago Tribune, Indianapolis Star, Forbes, Food & Wine, and WTTW 11 Chicago, as well as local TV and Print across SWMI, South Bend, and NW Indiana media outlets.

Beer Church Brewing Co. has over 100,000 Social Media and Email Followers and Subscribers.

Beer Church Brewing Co. now wishes to fund further investment in New Buffalo by adding this addition to the outside space, which adds in excess of 20 new jobs and expends funds close to \$1 million.

The addition conforms with all local, state, federal, and Central Business District codes and regulations.

The addition will lessen noise because wait times and milling about will be more than halved with the extra space.

The addition will lead to more organized crowds with an additional kitchen, bar, walkways, and storage all designed with crowd-flow patterns having been studied of the current layout.

Beer Church Brewing Co. has started the renovation and revitalization wave on South Whittaker Street, resulting in increased property values.

The addition will provide necessary weather cover so that inclement weather will no longer mean lost tourism to the city.

Beer Church Brewing Co. is committed to becoming the finest destination brewery pizzeria in the entire Midwest, if not country.

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



|                        |                 |                       |
|------------------------|-----------------|-----------------------|
| City Staff<br>Use Only | Project Name    |                       |
|                        | Project Number  |                       |
|                        | Review Fee Paid |                       |
|                        | Escrow Fee Paid | PZ 21-0001 \$350 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 Lustina

Address [Redacted]  
Telephone [Redacted]

E) Property owner(s) principal contact:

Name Jane Simon

Address [Redacted]  
Telephone [Redacted]

B) Applicant(s) secondary contact:

Name James Zehr - Rockford Const. PM

Address [Redacted]  
Telephone [Redacted]

F) Architect (if applicable):

Name Rockford Construction - Josh Strautz

Address [Redacted]  
Telephone [Redacted]

C) Agent or Attorney (if applicable):

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

G) Engineer (if applicable):

Name \_\_\_\_\_  
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: Construction Manager

\* 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:

Approval of proposed construction - See attached rendering.

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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:

- Given that the current property is zoned CBD, we are requesting the permission to \_\_\_\_\_
- expand the outdoor seating by constructing a raised deck which allows for more \_\_\_\_\_
- seating, an outdoor pizza oven and pizza bar area. The raised deck is designed to \_\_\_\_\_
- add onto the design intent of the existing patio and allow the restaurant to continue to \_\_\_\_\_
- serve customers at peak times. \_\_\_\_\_

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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:  
**does not apply**

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III. Site and Surrounding Property Information

A) Common address or property location of subject property:

24 S. Whittaker St. New Buffalo, MI 49117

BS+A is 36 S. Whittaker

Beacon is 36 S. Whittaker

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

SPLIT/COMBINED ON 09/07/2016 FROM 62-0340-0327-00-4, 62-0340-0329-00-7; LOTS 3 THROUGH 5 INCLUSIVE BLK 28 ORIG PLAT OF VILL (NOW CITY) OF NEW BUFFALO A SUB IN SECS 9 & 10 T8S R21W CITY OF NEW BUFFALO BERRIEN COUNTY MICHIGAN EXC THEREFROM THE NELY 121.21'

C) Permanent Real Estate Tax Identification Number: 11-62-0340-0329-01-0

D) Parcel Size: 26,136 S.F. Square feet

.42 Acres

198' 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:            | Central Business District | Commercial use in Central Business District |
| 2. Adjoining property: |                           |   |
| a) North of Site       | Central Business District | Grandfathered-in Residential Use            |
| b) South of Site       | Central Business District | Vacant retail/office                        |
| c) East of Site        | Central Business District | Apartments, small businesses                |
| d) West of Site        | Residential               | Restaurant and residential homes            |

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

Existing structure is Beer Church with combined exterior patio.

**IV. Description of the Proposed Development**

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

Proposed use is to construct an elevated patio over existing exterior patio. Construction would be from heavy timbers, concrete, steel - closely resembling similar construction materials currently on the property.

B) What is the proposed time frame for the build-out of this development: 3-4 Months

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   | NA                  | New Patio             | SF: 2,016              |                         | Utilizing existing utilities. |                             |
| 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: Not Applicable

2) Peak traffic flow count for the proposed development: Not Applicable

3) How many lineal feet of roadway is proposed to be developed: Not Applicable

4) How many cul-de-sacs will be constructed as part of this project: Not Applicable

5) How many curb cuts to City, County or State roads are proposed: Not Applicable

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) NA Plat of Survey with legal description.
- B) NA 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) NA Floodplain map (engineer's drawing or FEMA map showing location of subject property).
- D) \_\_\_\_\_ Application fee in the amount of \$ \_\_\_\_\_.
- E) NA High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
- F) \_\_\_\_\_ Application for permits (specify type):
  - 1) Michigan DOT NA
  - 2) County Road Commission NA
  - 3) County Health Department Will need full drawing (food service)review from Health dept.
  - 4) State Dept. of Public Health NA
  - 5) Michigan DEQ NA
  - 6) Others NA
- G) NA 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):

*Please see attached sheet*

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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, Jane Simon, 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: Jane Simon Date: 1-27-21

D) Notary Public Certification Statement:

I, Melinda Foster, Notary Public in and for the State of Michigan this 27th day of January, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 3-7-25 melinda Foster Notary Public, State of Michigan MELINDA FOSTER

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.

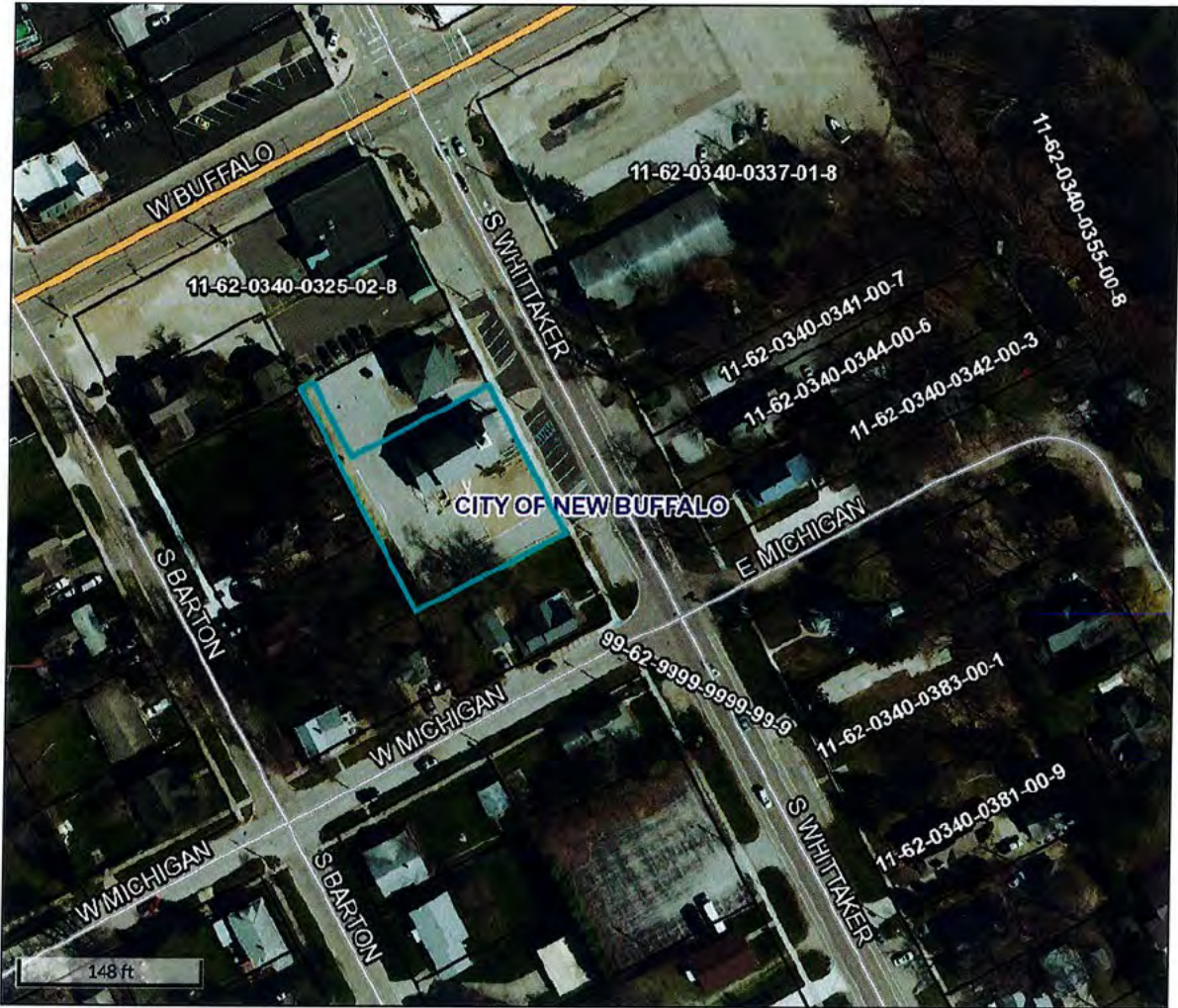
Approval: [X] Yes [ ] No Signature: Chris Neun Title: Fire Chief Review Date: 2-1-21

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: [Signature] Date: 2-1-21

Zoning Administrator: [Signature] Date: 2-1-21

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




Overview



Legend

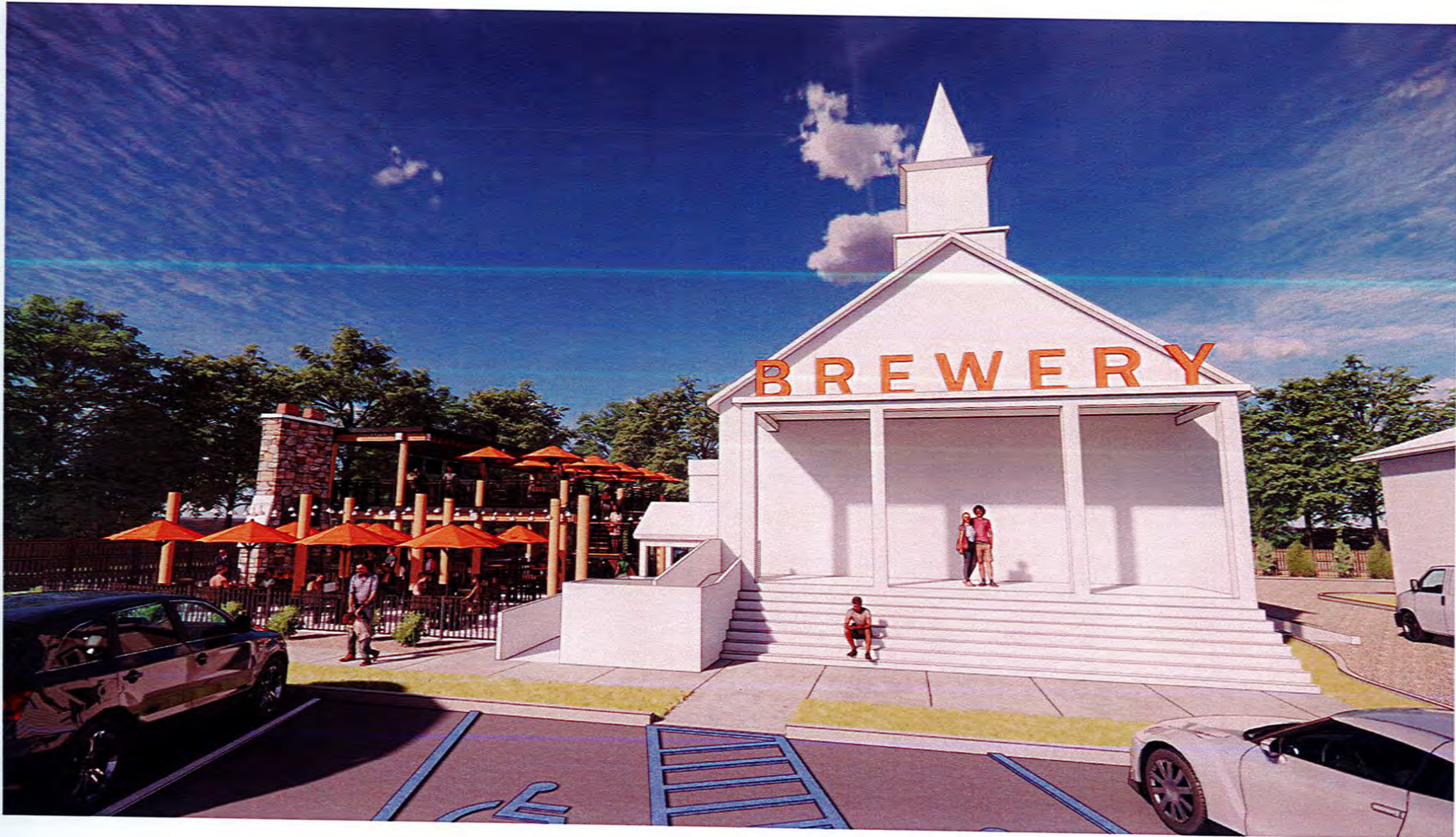
-  Railroads
- Roads**
-  <all other values>
-  Interstate
-  Major Arterial
-  Minor Arterial
-  Roads
-  Parcels
-  Lakes
-  Rivers
-  Parcel
-  Lake Michigan

|                       |  |              |      |               |  |
|-----------------------|--|--------------|------|---------------|--|
| Parcel ID             | 11-62-0340-0329-01-0   | Alternate ID | n/a  | Owner Address | BIG BROTHER REAL ESTATE HOLDINGS   |
| Sec/Twp/Rng           | n/a  | Class        | 201  |               | LLC  |
| Property Address      | 36 S WHITTAKER ST<br>NEW BUFFALO   | Acreage      | 0.42 |               |  |
| District              | 11200  |              |      |               |  |
| Brief Tax Description | SPLIT/COMBINED ON 09/07/2016 FROM 62-0340-0327-00-4, 62-0340-0329-00-7; LOTS 3 THROUGH 5 INCLUSIVE BLK 28 ORIG PLAT OF VILL (NOW CITY) OF NEW BUFFALO A SUB IN SECS 9 & 10 T8S R21W CITY OF NEW BUFFALO BERRIEN COUNTY MICHIGAN EXC THEREFROM THE NELY 121.21' |              |      |               |  |
|                       | <i>(Note: Not to be used on legal documents)</i>   |              |      |               |  |

Date created: 2/1/2021  
Last Data Uploaded: 2/1/2021 1:05:56 AM

Developed by  Schneider  
GEOSPATIAL





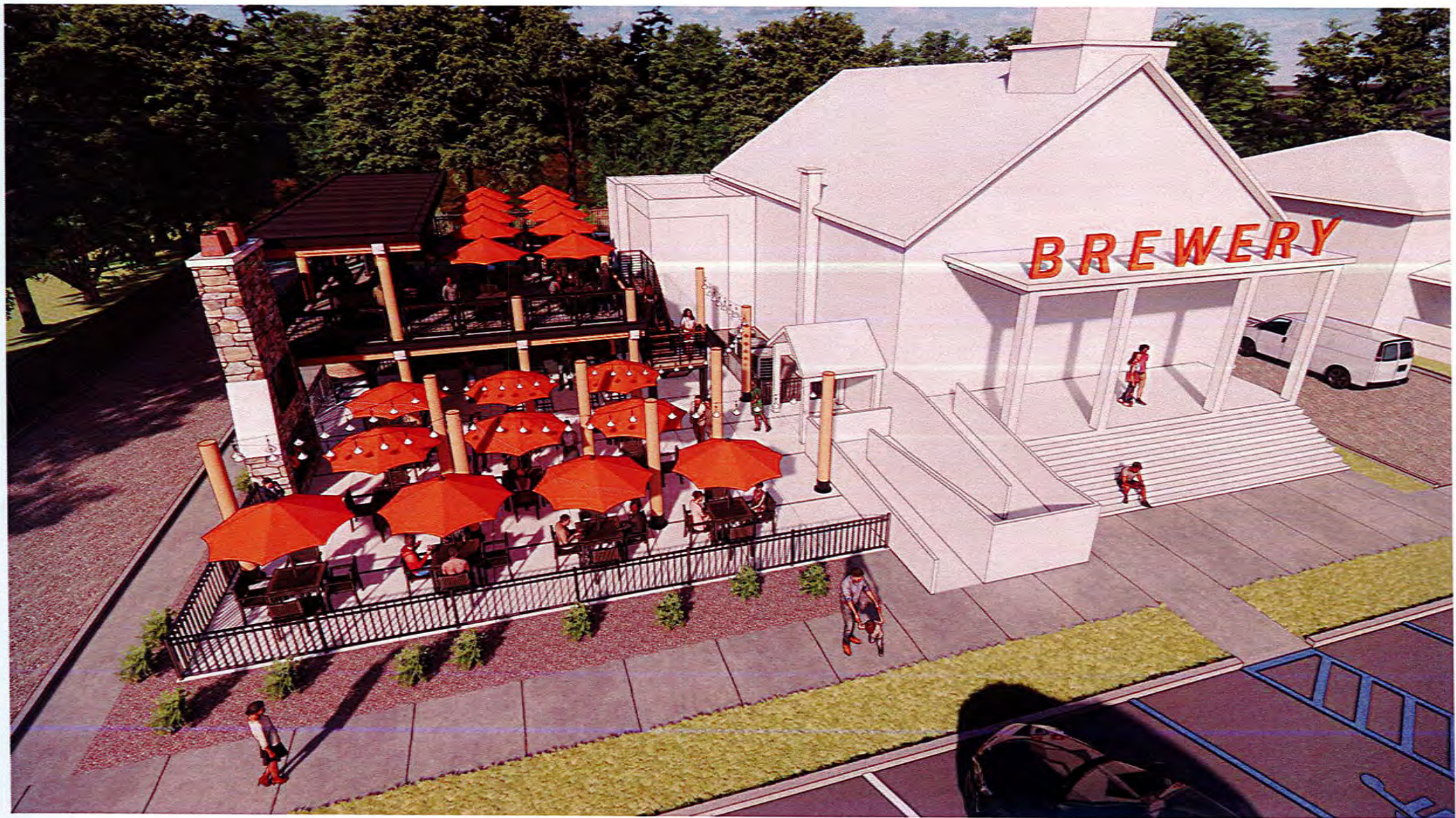














### **Section 19-1 Purpose.**

The purpose of this article is to require and review those documents or drawings as specified in the ordinance, to ensure that a proposed land use or development is in compliance with this ordinance, other local ordinances, state statutes, and federal statutes. And furthermore, its purpose is to ensure that development taking place within the City of New Buffalo is properly designed, safe, efficient, environmentally sound, and developed in such a manner as to protect adjacent properties from adverse impacts.

### **Section 19-2 Uses requiring site plan review.**

All new construction and new uses, including the expansion of existing buildings, structures, and uses (other than single-family or two-family dwelling that are permitted by right in the zoning district in which they are located) shall require site plan review. This shall include uses permitted by right, private streets, public buildings and structures, planned unit developments, special uses, mobile home parks, and site condominium subdivisions.

### **Section 19-3 Authority and responsibility for site plan review.**

The Planning Commission shall have the authority and responsibility to review and make decisions regarding all plans submitted for site plan review, except where this ordinance specifically provides authority for other officials to conduct specified types of plan reviews. The Planning Commission may delegate specified review activities to staff or consultants as they may decide is appropriate.

### **Section 19-4 Prohibitions prior to site plan approval.**

Until a site plan is approved and in effect, no grading, removal of vegetation, filling of land, or construction shall commence for any development or use for which site plan approval is required.

### **Section 19-5 Site plan review process.**

[Amended 9-20-2016 by Ord. No. 219]

- A. Ten copies of a complete site plan shall be submitted to the Zoning Administrator, along with an application for that purpose and a fee, as established by resolution of the City Council from time to time.
- B. The Zoning Administrator shall review the site plan for completeness, and shall obtain comments, as the Zoning Administrator considers necessary, from the Department of Public Works, Water Department, Police Department, Fire Department, City Planner, and other City departments or consultants. Notice that site plan approval has been requested shall be mailed for information purposes only to the owners of all abutting properties, and other persons whom the Zoning Administrator deems appropriate. All such notices shall be mailed at least seven days prior to the meeting at which the Planning Commission will consider the site plan. Any failure to give notice to the owners of abutting property pursuant to this section shall not affect the validity of any action taken by the Planning Commission pursuant to this chapter.
- C. Once the Zoning Administrator determines that the site plan is complete, the Zoning Administrator shall transmit the site plan, along with comments from City departments and consultants, to the Planning Commission at least two weeks prior to the next meeting. The Zoning Administrator shall not be required to submit any site plan for review which was submitted less than 40 days prior to the next regularly scheduled Planning Commission meeting.
- D. The Planning Commission shall consider the site plan and shall recommend to City Council: (1) approval of the site plan, as submitted, if all applicable requirements and standards have been met; (2) approval of the site plan with conditions; or (3) denial of the site plan if applicable requirements and standards have not been met. All recommendations of the Planning Commission with regard to site plans shall be accompanied by written findings of fact to support its position for each item under Section 19-9, Standards for site plan review.
- E. The reasons for the Planning Commission's action, along with any conditions that may be attached, shall be stated in the meeting minutes and a copy provided to the applicant.
- F. If approved, two copies of the final site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his designated

representative.

## Section 19-6 Required contents of site plan.

The following information shall be required to be submitted for site plan review.

### A. General information:

1. The applicant's name, address, telephone number, and their interest in the project and/or property.
2. The name, address, and telephone numbers of the owner(s) of record (or the firm or corporation having a legal or equitable interest in the land), and the signatures of the owners authorizing the site plan submittal.
3. The name, address, and telephone number of the individual or firm preparing the site plan.
4. Project title.
5. Proof of property ownership or purchase agreement.
6. The legal description, address, and tax identification number of the parcel.
7. Written permission, signed by the property owner, granting the Planning Commission and City Officials authority to enter onto property which is the subject of an application for site plan approval. (This item is optional.)
8. Deed restrictions, master deed restrictions, and bylaws as applicable.

### B. Site analysis/project impact information:

1. Existing topographic elevations at two-foot intervals, proposed grades, and direction of drainage flows.
2. The location of existing structures on the subject site and on adjacent parcels within 50 feet of subject parcel.
3. Location and type of significant existing vegetation.
4. Location and elevations of existing watercourses and water bodies, including county drains, and man-made surface drainage ways, floodplains, and wetlands.

### C. Site plan information.

1. A vicinity map.
2. North arrow, and date of original submittal and all revisions.
3. A grading plan showing finished contours at a minimum interval of one foot, and correlated with existing contours so as to clearly indicate cut and fill required (All finished contour lines are to be connected to existing contour lines at or before the lot lines).
4. Location of proposed and/or existing property lines with dimensions, legal description, and statement or illustration of building setback lines.
5. The size of parcel (in acres) and a breakdown of use areas using the categories: street rights-of-way, development area, and open space.
6. The gross and net acreage of all parcels in the project. (Net acreage is the size of the parcel in acres after subtracting any area that is within a street right-of-way or formal access easement.)
7. Land uses (residential, commercial, industrial, vacant, etc.) and zoning classification for the subject parcel and adjoining parcels.



8. Location of proposed buildings (including accessory buildings) and intended uses thereof, as well as the length, width, height, and total square footage of each building. For buildings housing multiple use types, the square footage for each use type shall be provided.
  9. Indication of phases, if applicable.
  10. Location of existing streets, street rights-of-way and private easements of record.
  11. Location and dimensions of proposed streets, drives, curb cuts, driveway radii, access easements, deceleration/acceleration lanes or tapers, and passing lanes as applicable.
  12. Location, design, and dimensions of proposed parking areas (including indication of all spaces, dimensions of spaces, handicapped spaces, and method of surfacing), and fire lanes.
  13. Location, design, and dimensions of loading and unloading areas.
  14. Location, and design of all sidewalks, walkways, bicycle paths, and areas for public use.
  15. Location of water supply lines and/or wells including fire hydrants; a storm drainage plan showing storm sewers, exterior drains, dry wells, catch basins, retention/detention areas, and point of discharge for all drains; and sanitary sewer system, including septic systems, if applicable.
  16. Location of all other utilities on the site.
  17. The description of measures to be taken to control soil erosion, and sedimentation during and after completion of grading and construction operations.
  18. Location, size, and specifications of all signs with cross-sections.
  19. Exterior lighting locations whether pole-mounted or building-mounted and a statement included that all lighting will be shielded to avoid spill over to adjacent properties or streets. If pole-mounted, the height of pole shall be included.
  20. Location and specifications for all proposed perimeter and internal landscaping and other screening features. For all new landscape material the proposed size upon installation shall be indicated. Existing landscaping to be retained shall also be indicated.
  21. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
  22. Seal of the registered engineer, architect, or surveyor who prepared the site plan.
- D. Waiver of site plan requirements. Specific requirements of this section may be waived by the Planning Commission where it is determined that such information is not applicable to the subject request.

### Section 19-7 Expiration of site plan approval.

Unless a building permit has been issued, and on-site construction has actually started within one year of the date of the Planning Commission's approval of the site plan, approval of the site plan shall expire and be of no effect. If an approved site plan expires per this section, no permits for development or use of the subject property shall be issued until the site plan has been resubmitted and approved, subject to the provisions of Article 19. The Planning Commission, in its discretion, may authorize up to one extension of this time limit up to one additional year; provided a written request for such extension is submitted by the property owner to the Planning Commission prior to the expiration of the original approval. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the extension period.

### Section 19-8 Amendment of approved site plan.

A site plan may be amended based upon whether the desired amendment is classified as a major or minor amendment to the site plan. Major amendments shall require review and approval by the Planning Commission and minor amendments shall only require the approval of the Zoning Administrator.

- A. Major amendments shall include one or more of the following:
1. A change in the original concept of the development.
  2. A change in the use or character of the development.
  3. A change in the type of dwelling unit being proposed.
  4. An increase in the number of dwelling units planned.
  5. An increase in floor area of more than 10%.
  6. A change in the basic layout or design of the project.
  7. A change in the character, function, or location of any street or access driveway.
  8. A reduction in the amount of open space, or relocation of open space areas.
  9. The movement of a building footprint by more than 10 feet.
- B. Minor amendments shall include one or more of the following:
1. A change in floor area of 10% or less.
  2. Additions to parking lots of up to 10 spaces.
  3. The movement of a building footprint of 10 feet or less.
  4. Substitutions in type of landscape plantings not to exceed 20% of the total amount of landscape materials; provided such materials are comparable to those they would replace.
  5. Accessory buildings having less than 1,000 square feet of area for commercial, industrial, or institutional uses.

### **Section 19-9 Standards for site plan review.**

To promote orderly development which is safe, efficient, attractive, sensitive to environmental concerns, and generally promotes the welfare of the City's citizens, all developments and uses, in addition to meeting applicable specific standards as identified in this ordinance, shall also meet the following general standards.

- A. Organization of elements. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be designed so that there will be no impediment to the development of adjoining property.
- B. Landscape preservation. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Drainage design. The drainage portion of the site plan shall be designed to City storm design standards and not increase water run-off to adjoining properties, nor overburden watercourses in the area. Retention or detention areas shall be kept to the smallest number possible.
- D. Soil preservation. Site plans shall be developed to prevent or minimize problems with soil erosion or sedimentation.
- E. Privacy provisions. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of occupants.
- F. Emergency vehicle accessibility. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle accessibility. Fire lanes shall be provided as deemed necessary by the Fire Chief to provide adequate fire protection.

- G. Connective access to public streets. Every building or dwelling unit shall have connective access to a public or private street by some form of pedestrian sidewalk or pathway.
- H. Pedestrian circulation system. Sidewalks shall be provided, unless specifically waived by the Planning Commission.
- I. Compatibility with existing or planned streets and pathways. The arrangement of streets, sidewalks, and other path systems shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern shall be of a width appropriate to the traffic volume they will carry, and shall have a dedicated right-of-way equal to that specified in any formally-adopted street plan or planned right-of-way.
- J. Efficient and safe traffic systems. Street systems shall be designed to be as efficient as possible, and in compliance with commonly accepted traffic engineering standards for safety.

### **Section 19-10 Site plan inspection.**

The applicant shall notify the Zoning Administrator when any project that required site plan review is finished and occupancy is desired. A site plan inspection shall be undertaken by the Zoning Administrator prior to an occupancy permit being issued. The Zoning Administrator shall make the determination that the completed project has met the site plan requirements, or identify incomplete items. If the site plan is deemed complete, the City may issue the occupancy permit. If the project is deemed incomplete the Zoning Administrator shall inform the applicant of the items which must be completed before occupancy will be granted. The City may allow occupancy prior to 100% completion of the site plan, if the undone portion will not jeopardize the safe use of the building, and the applicant provides the City with a performance bond or other financial guarantee acceptable to the City that gives the City the means to complete the project in case of default by the applicant.

### **Section 19-11 Fees.**

Fees for the review of site plans and inspections as required by this article, shall be established and may be amended by resolution of the City Council. Fees may include base fees or escrow fees, as established by the City Council.

### **Section 19-12 Violations.**

Any failure on the part of the applicant or landowner to comply with any of the provisions of the site plan approval shall be deemed a violation of this ordinance and subject to the penalties prescribed in Article 22. Furthermore, any project for which construction has commenced and no construction activity has taken place for a six-month period shall be a violation of this ordinance.



**City of New Buffalo  
PLANNING COMMISSION  
Site Plan Application  
Staff Report**

**Hearing Date:** February 17, 2021

**Project Number:** 120 W Buffalo

**Applicant:** Ms. Neena Vlamis

**Property Owner:** Ms. Neena Vlamis

**Subject Property Address:** 120 W Buffalo Street, New Buffalo, MI 49117

**Nature of the Request:** Site Plan application for construction of new office building.

**Zoning District:** CBD "Central Business District"

**OVERVIEW**

The applicant is the property owner Ms. Neena Vlamis of 1631 N. Dayton, Chicago IL 60601. The applicant requests site plan approval for construction of a new office building located on vacant lot at 120 W. Buffalo Street.

Article 10 Sec. 10-2 "Uses permitted by right". Allows (item 12) "Office building permitted by right".

All appropriate Building permits will be required for this project.

**Recommendation:** Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, it is the recommendation of the Zoning Administrator to approve the site plan for new office building, with parking issue to be finalized and with any requested stipulations from Planning Commission.

Respectfully submitted,

Ted Hanson  
Building Official  
City of New Buffalo



|                        |                 |
|------------------------|-----------------|
| City Staff<br>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

Site

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

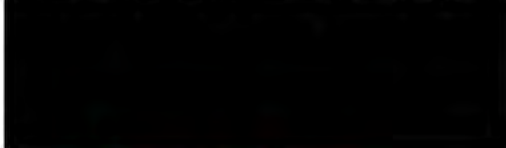


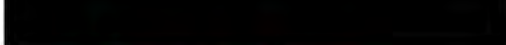
120 WEST BUFFALO

**I. Applicant and Owner Information**

A) Applicant(s) principal contact:

Name MS. NEENA VLAMIS

Address 

Telephone 

*Neena Vlamis*

E) Property owner(s) principal contact:

Name (SAME)


Address 

Telephone 

B) Applicant(s) secondary contact:

Name N/A

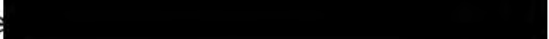
Address 

Telephone 

F) Architect (if applicable):

Name WM. MC COLUM

Address 

Telephone 

C) Agent or Attorney (if applicable):

Name N/A

Address 

Telephone 

G) Engineer (if applicable):

Name \_\_\_\_\_

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: \_\_\_\_\_

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

*Received 2-1-21 JKH*

**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:

SEE ATTACHMENT

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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:

SEE ATTACHMENTS

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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:

SEE ATTACHMENTS

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III. Site and Surrounding Property Information

A) Common address or property location of subject property:

120 W. BUFFALO  
CORNER OF BUFFALO + BARBER ST. NW CORNER

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C) Permanent Real Estate Tax Identification Number: \_\_\_\_\_

D) Parcel Size: ~~17,427~~ 17,427 Square feet

.4 Acres

132 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:            | CBD                                  | VACANT + COMMERCIAL BLDG. |
| 2. Adjoining property: |                                      |                           |
| a) North of Site       | RESIDENTIAL                          |                           |
| b) South of Site       | COMMERCIAL ; GAS STATION. (SMILBY'S) |                           |
| c) East of Site        | COMMERCIAL ; GAS STATION (GO-LO)     |                           |
| d) West of Site        | RELIANTS ; CHURCH.                   |                           |

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

SEE ATTACHED MEMOS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IV. Description of the Proposed Development**

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

PROFESSIONAL BUSINESS USES.  
MORTGAGE COMPANY

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

START/DEC → FINISH/SPRING

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 |
|-----------------------------------|---------------------|-----------------------|------------------------|-------------------------|-----------------------------|-----------------------------|
| <del>Single Family R-1</del>      |                     |                       |                        |                         |                             |                             |
| <del>Two Family R-2</del>         |                     |                       |                        |                         |                             |                             |
| <del>Multi-Family R-3</del>       |                     |                       |                        |                         |                             |                             |
| Central Business CBD              | (4)<br>(2)          | 1800<br>3,600         | 5,400                  | 0                       | 2 3/4" + 2 3/4"             | 4" x 4"                     |
| <del>Gen. Commercial GCD</del>    |                     |                       |                        |                         |                             |                             |
| <del>Waterfront Marina WMT</del>  |                     |                       |                        |                         |                             |                             |
| <del>General Industrial I-1</del> |                     |                       |                        |                         |                             |                             |
| TOTAL                             |                     |                       | 5,400                  |                         |                             |                             |

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 \$ 850 - PAID @ ZBA
- E)  N/A 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)  N/A 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):

SEE ATTACHMENTS.

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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:

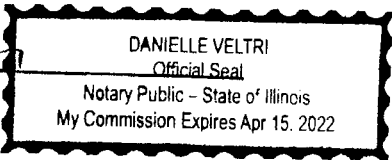
I, NEENA VLAMIS, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified 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: Neena Vlamis Date: 10/10/20

D) Notary Public Certification Statement:

I, Danielle Veltri, Notary Public in and for the State of ILLINOIS this 10<sup>th</sup> day of October, 2020 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: April 15, 2022 Danielle Veltri



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: \_\_\_\_\_

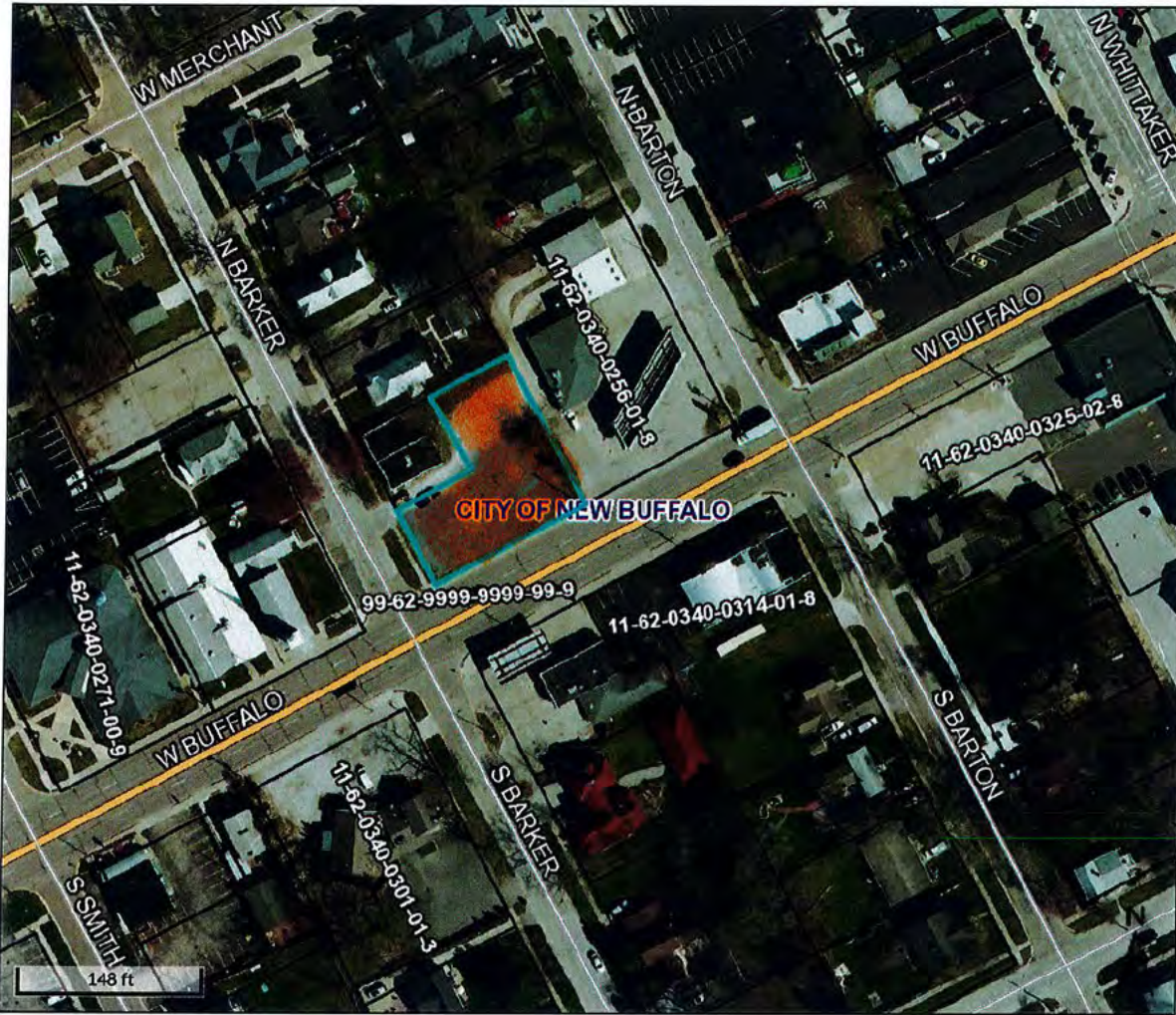
Conditions: Attached None Title: \_\_\_\_\_

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: \_\_\_\_\_



Overview



Legend

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

|                       |  |              |     |               |   |
|-----------------------|--|--------------|-----|---------------|---|
| Parcel ID             | 11-62-0340-0259-02-5   | Alternate ID | n/a | Owner Address | VLAMIS NEENAL 2009 LIV TRUST  |
| Sec/Twp/Rng           | n/a  | Class        | 202 |               |  |
| Property Address      | 120 W BUFFALO ST<br>NEW BUFFALO  | Acreage      | n/a |               |   |
| District              | 11200  |              |     |               |   |
| Brief Tax Description | LOT 7 & THE ELY 1/2 OF LOT 8 BLK 22 VILLAGE PLAT OF NEW BUFFALO<br>(Note: Not to be used on legal documents) |              |     |               |   |

Date created: 2/2/2021  
 Last Data Uploaded: 2/2/2021 1:24:48 AM

Developed by 

**Variance Request 120 W. Buffalo Street 11-62-0340-0259-02-5**

Tony McGhee – Read the City Manager report.

Bill McCollum, applicant, gave a presentation explaining the proposed project.

Discussion followed concerning parking.

**Motion** by Joseph, seconded by Gabryszewski to **approve** the Variance Request for **120 W. Buffalo Street 11-62-0340-0259-02-5: roll call vote, motion carried, 6-0.**

**Variance Request 123 S. Thompson Street 11-62-6750-0147-04-4**

Tony McGhee – Read the City Manager report.

**Motion** by Joseph, seconded by Borg to **approve** the Variance Request for **123 S. Thompson Street 11-62-6750-0147-04-4 with smaller setback: roll call vote, motion carried, 6-0.**

**Variance Request 529 North Drive 11-62-0009-0003-16-6**

Tony McGhee – Read the City Manager report.

Detailed discussion took place regarding many aspects of the project including, the height, setbacks and parking.

**Motion** by Joseph, seconded by Gabryszewski to **table** the variance request at **529 North Drive 11-62-0009-0003-16-6: roll call vote, motion carried, 6-0.**

Board Comments

None

**Motion** by Joseph to adjourn, seconded by Borg at 7:03 pm to adjourn the meeting: roll call vote, motion carried, 6-0.

Adjournment at 7:04 pm.

ng

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Tom Smith, ZBA Chairperson

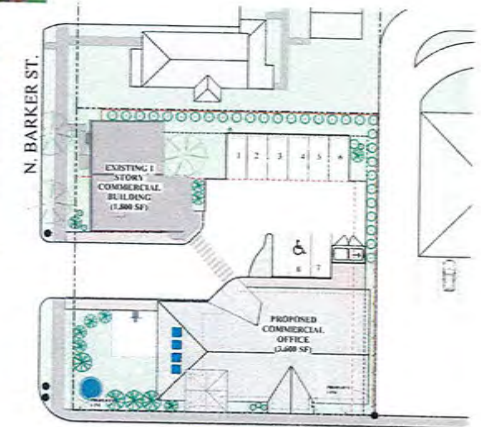
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Amy Fidler, City Clerk



# FUTURE LOCATION OF A&N MORTGAGE

PLAN COMMISSION  
APPLICATION  
01/29/21



W. BUFFALO ST.

**MCCOLLUM**  
ARCHITECTS  
& BUILDERS

312-550-7008

[www.mccollumarchitects.com](http://www.mccollumarchitects.com)

| SITE CALCULATIONS; 24 South Whittaker Street New Buffalo, MI 49117 |                           |                 |                 |          |
|--|---------------------------|-----------------|-----------------|----------|
| 10/22/2020   |                           |                 |                 |          |
| Job Number 2150  | Central Business District |                 | Comments        |          |
| Proposed Use   | Commercial Office         |                 |                 |          |
| Lot Area:  | 17,433 SF                 |                 |                 |          |
| Lot A Dimensions   | 132' x 132'               |                 |                 |          |
| <b>SETBACKS</b>  | <b>Required</b>           | <b>Existing</b> | <b>Proposed</b> |          |
| Front Yard; W. Buffalo St  | 0'-0"                     | 77'-10"         | 2'-0"           | NEW      |
| Front Yard; N. Barkers St.   | 0'-0"                     | 6'-11"          | 6'-11"          | EXISTING |
| Sidyard; North   | 30'-0"                    | 4'-10"          | 4'-10"          | EXISTING |
| Sidyard; East  | 10'-0"                    | 81'-3"          | 5'-0"           | NEW      |
| Building Height  | 35/2.5 story              | 11'-5"          | 29'-1"          | NEW      |
| LOT COVERAGE CALCULATIONS  |                           |                 |                 |          |
| Gross Lot Area   | allowable sf coverage     |                 |                 |          |
| 17,433   | x70%                      | 12,203 sf       |                 |          |
| Area Calculations  |                           | Actual Coverage |                 |          |
| Existing Commercial Building (Existing Cov. 10%)                   |                           | 1,868           |                 |          |
| Proposed Commercial Office   |                           | 3,545           |                 |          |
| <b>Total Proposed Coverage</b>                                     |                           | <b>5,413</b>    |                 |          |
| Allowable Expansion  |                           | 6,790           |                 |          |

### SITE PLAN APPROVAL APPLICATION ADDENDUM

We are submitting this site plan approval for a new office building for an owner who wishes to bring substantial investment to the city of New Buffalo in our CBD, bring new, non-tourist/permanent jobs to our city and construct the first new construction building in our city in over five years. Further, this owner understands the benefit of adding green space to the elevation and corner of this property and is willing to substitute productive building square footage for appealing community green space.

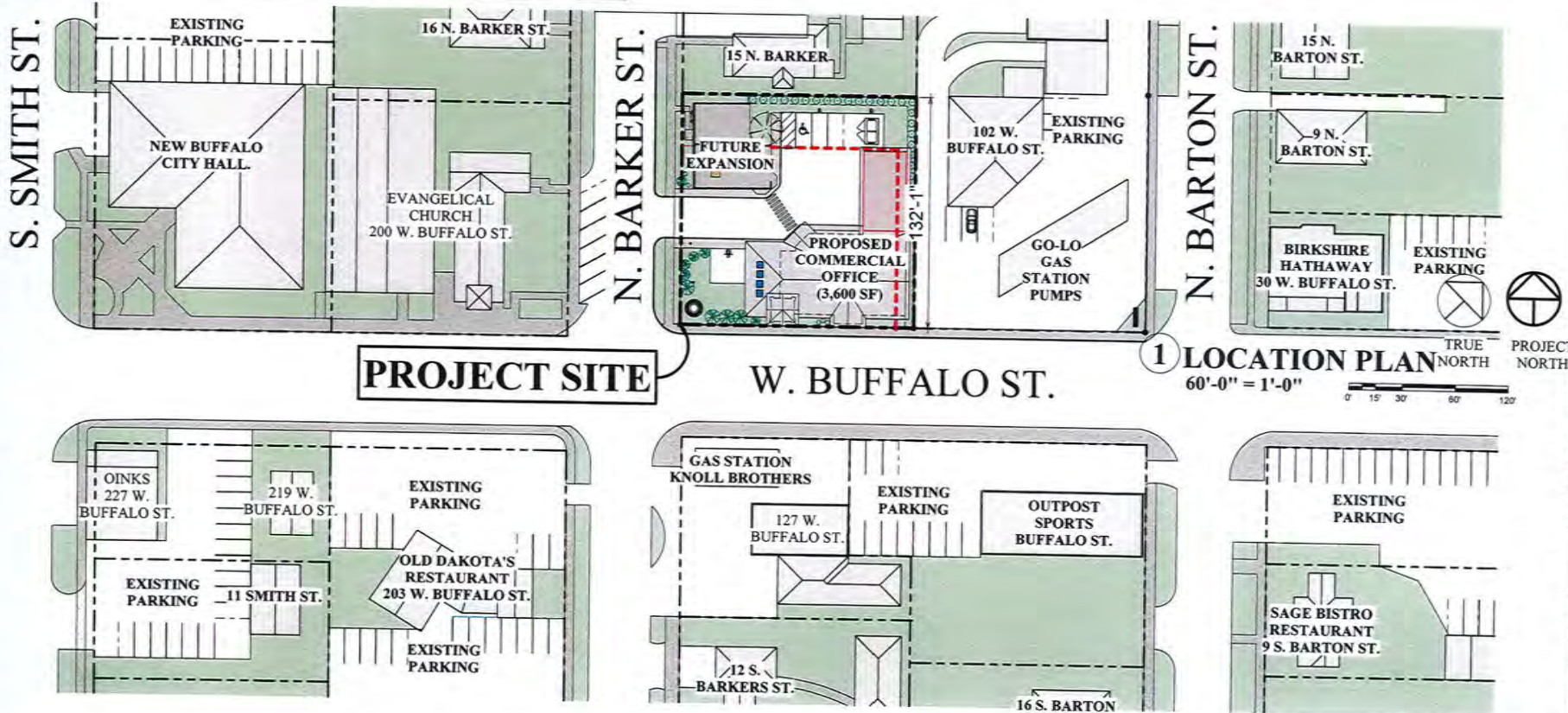
We are proposing to place the non-required parking lot towards the back of the property and placing the new front building towards the edge of the property of the Go-Lo Gas Station. This will allow more room for courtyard garden space as we "turn the corner" of this property at the corner of Buffalo Street and Barker Street.

| ARCHITECTURAL |                          |
|---------------|--------------------------|
| A-0           | COVER SHEET              |
| A-0.1         | LOCATION PLAN            |
| A-0.2         | SITE PLAN                |
| A-0.3         | SITE SURVEY              |
| A-0.4         | TOPOGRAPHY PLAN          |
| A-0.5         | LANDSCAPE PLAN           |
| A-0.6         | SITE UTILITY PLAN        |
| A-0.7         | LIGHTING/ FENCE PLAN     |
| A-0.8         | SITE DETAILS             |
| A-1           | BUILDING #1 1ST FLR PLAN |
| A-2           | EXTERIOR ELEVATIONS      |
| A-3           | EXTERIOR ELEVATIONS      |

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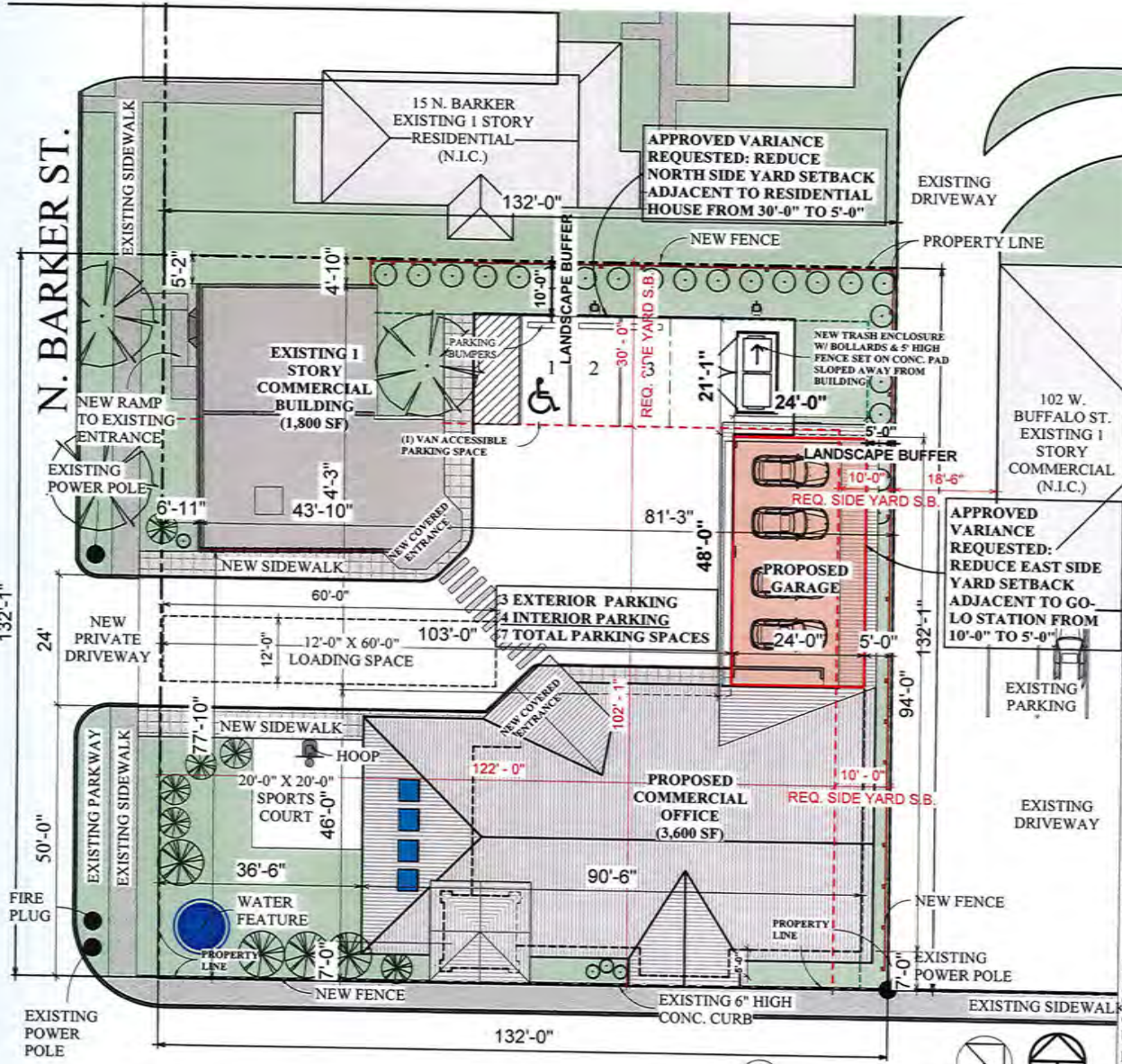
**A&N MORTGAGE**

120 W. BUFFALO ST. NEW BUFFALO, MI 49117



**1 LOCATION PLAN**  
TRUE NORTH PROJECT NORTH  
60'-0" = 1'-0"

| REVISIONS   |          |
|---|----------|
| SCHEMATIC   | 10/02/20 |
| ZBA APPROVAL  | 11/19/20 |
| SITE PLAN APPROVAL  | 01/29/21 |
| JOB #: 2150   |          |
| Drawn by: Madita Horvath-Kalder   |          |
| LOCATION PLAN   |          |
| Sheet No. A-0.1   |          |
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W. BUFFALO ST.

1 SITE PLAN  
20'-0" = 1'-0"



We are requesting the following two variances:

1. Reduce North side yard set-back adjacent to the residential house from 30' to 5'. Rather than placing the parking at the front of the property, we are proposing parking towards the back and rear. In this way the front of the building and its corner garden will be more appealing and present a much nicer scale for New Buffalo. Our proposed layout places the edge of the parking lot 5' off the lot line. There is to be a solid fence that will prevent the headlights from shining through toward the adjacent house and a 5' wide landscaped buffer.
  - a. It should be noted that the North side Variance Area is for a non-building space and will be a flat, open parking area with very little use.
  - b. Referencing the site plan on Sheet A-1; 80% of the surrounding properties have placed their existing parking lots adjacent to the street, which is the old, outdated method for parking along a CBD and is not compatible with the City of New Buffalo and DDA's surface parking lot preferences for new projects. It is the trend for small and large town main streets to avoid and eliminate parking lots in the front of the lots on the main street thoroughfare. This trend is to encourage pedestrian and bike traffic which supports the central business district businesses. Detroit's Surface Parking Design Standards & Guidelines objectives are:
    - To line streets with buildings and/or other architectural site features to maintain a continuous street wall
    - To promote an urban style of shopping and dining experience where building storefronts line the main streets rather than parking lots.
2. Reduce East side yard set-back adjacent to the Go-Lo Gas Station from 10' to 5'. The zoning ordinance states that when commercial property abuts another commercial property there is to be a 10' setback.

Our proposed layout places the Eastern edge of the parking lot adjacent to the Go-Lo Gas Station 5' off the lot line to accommodate the parking in the rear of the property. There is to be a solid fence and 5' wide landscaped buffer. The zoning ordinance states this reduction can be permitted by the Plan Commission assuming there is no adverse effect on the adjacent property.

- C. 19-9 Standards for Site Plan review  
We believe that all the requested information has been supplied on these drawings. More specifically;
1. **Drainage Design** is located on Sheet A-0.6
  2. **Privacy Provisions** are addressed on Sheet A-0.7 & A-0.8
  3. **Emergency Vehicle Accessibility**; we have maintained a 24' driveway leading to the parking lot with adequate turn around space; see sheet A-0.2
  4. **Connective Access to Public Streets** is provided by a new 24' wide driveway on Barker Street that is located 55' from the corner to reduce the possibility of any backups at the stop sign.
    - a. Although onsite parking is not required in the CBD, the owner has elected to provide seven parking spaces.
  5. **Pedestrian Circulation Systems**; we are utilizing the existing sidewalks and curbs that are in place; see Sheet A-0.2
  6. **Lighting and Fence Design** is located on Sheet A-0.7
  7. **Landscaping Design** is located on A-0.5
  8. **Accessibility**: The entire site and entrances to both buildings shall be accessible; see sheet A-0.2.

D. Both the City of New Buffalo and the DDA have stated that the preference is to have parking lots placed in the rear of the lots and behind structures. To comply with the City's and DDA's requirements, this is indeed a hardship for the owner who wishes to comply with the City's and DDA's future planning requirements. We think this is a better solution for New Buffalo streetscapes and hope this can help establish a sample precedent for future commercial structures, particularly for a business who will add permanent local jobs unrelated to the tourist industry which has been a long-term goal for New Buffalo. Further, this design is a better urban solution, presents a much more pleasant scale rather than having the parking lot in front of the structure along Buffalo Street, and avoids a front elevation that looks like a strip shopping center. Lastly, the non-required parking lot will rarely be used at night and will have very little use during the daytime.

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**A&N MORTGAGE**

120 W. BUFFALO ST. NEW BUFFALO, MI 49117

| REVISIONS          |          |
|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| ZBA APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |

JOB #: 2150  
Drawn by: Macey Thomas-Koller

SITE PLAN

Sheet No.  
**A-0.2**

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F 269-927-1017  
abonmarche.com

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Benton Harbor  
Lansette  
South Bend

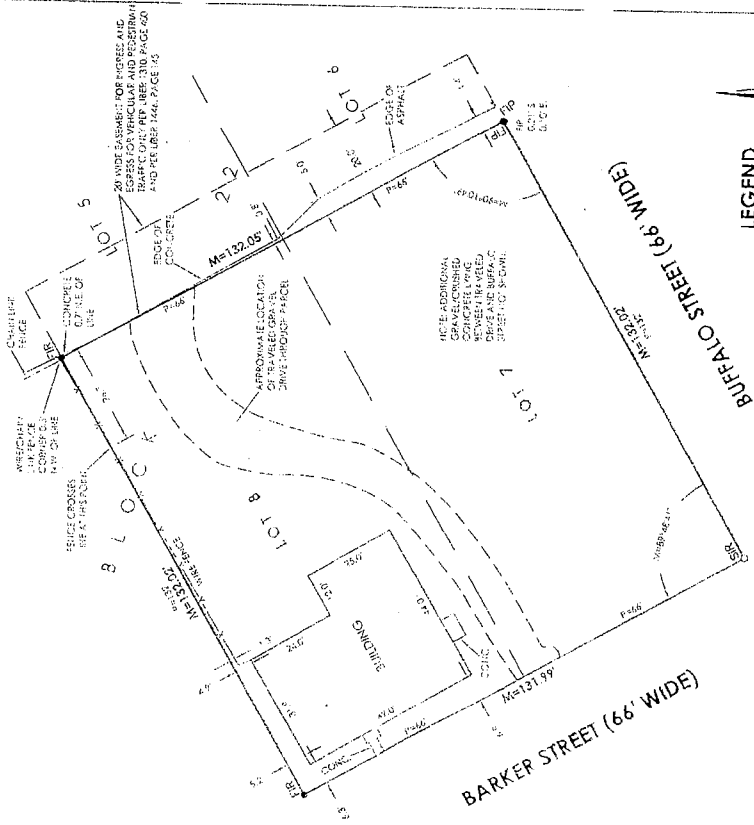
Goshen  
Hobart  
South Haven  
Valparaiso

Engineering - Architecture - Land Surveying

## CERTIFICATE OF SURVEY

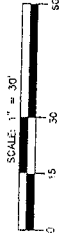
I, MATTHEW REINKING, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 54057, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND: LOTS 7 AND 8, BLOCK 22 OF ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN BOOK C OF DEEDS, PAGE 108 OF BERRIEN COUNTY RECORDS. ALSO, AN EASEMENT FOR INGRESS AND EGRESS FOR VEHICULAR AND PEDESTRIAN TRAFFIC OVER THE WESTERLY 20 FEET OF LOTS 5 AND 4, BLOCK 22, ADJACENT TO SAID LOTS 7 AND 8, SAID PLAT.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE, IF ANY EXIST.





**LEGEND**

- P = PLATTED
- M = MEASURED
- = FND. IRON ROD
- = FND. IRON PIPE
- = SET IRON ROD



**SITE SURVEY**  
1'-0" = 1/32"



 TRUE NORTH  
 PROJECT NORTH

JOB NO. 19-0

MATTHEW REINKING  
LICENSED PROFESSIONAL SURVEYOR No. 54057

DATE OF CERTIFICATE

PREPARED FOR:  
CHICAGO TITLE INSURANCE COMPANY

DRAWN BY: MGR  
APPROVED BY: MAF  
DATE: 7/24/2019  
SCALE: 1" = 30'

DATE OF CERTIFICATE

LOTS 7 & 8, BLOCK 22  
PLAT OF NEW BUFFALO  
CITY OF NEW BUFFALO  
SHEET OF 1

| REVISIONS          |          |
|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| 22A APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |

JOB #: 2150  
Drawn by: Marga Horome-Kidder  
SITE SURVEY

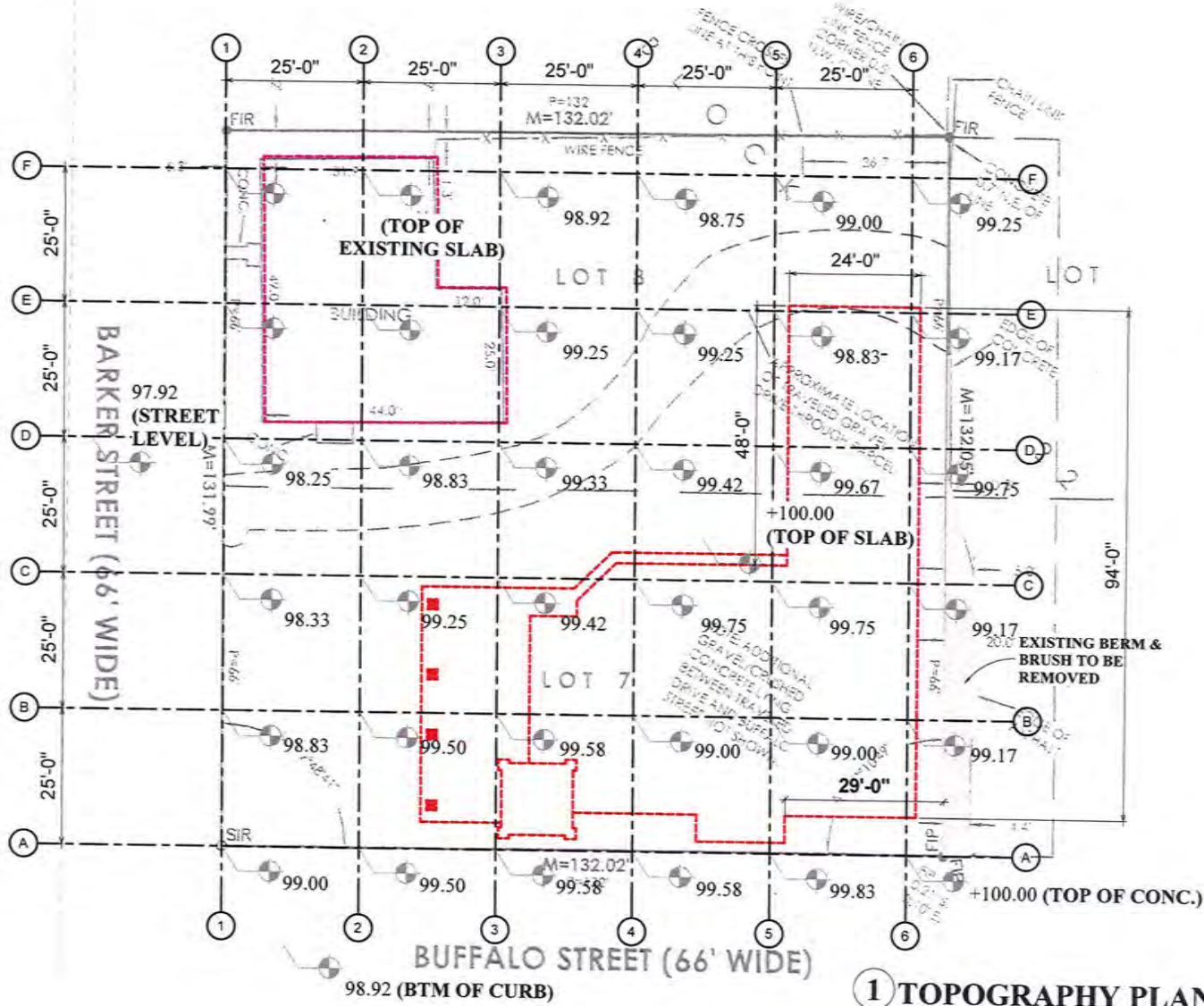
Sheet No.  
**A-0.3**

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**A&N MORTGAGE**  
120 W. BUFFALO ST. NEW BUFFALO, MI 49117





**1 TOPOGRAPHY PLAN**  
20'-0" = 1'-0"



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**A&N MORTGAGE**  
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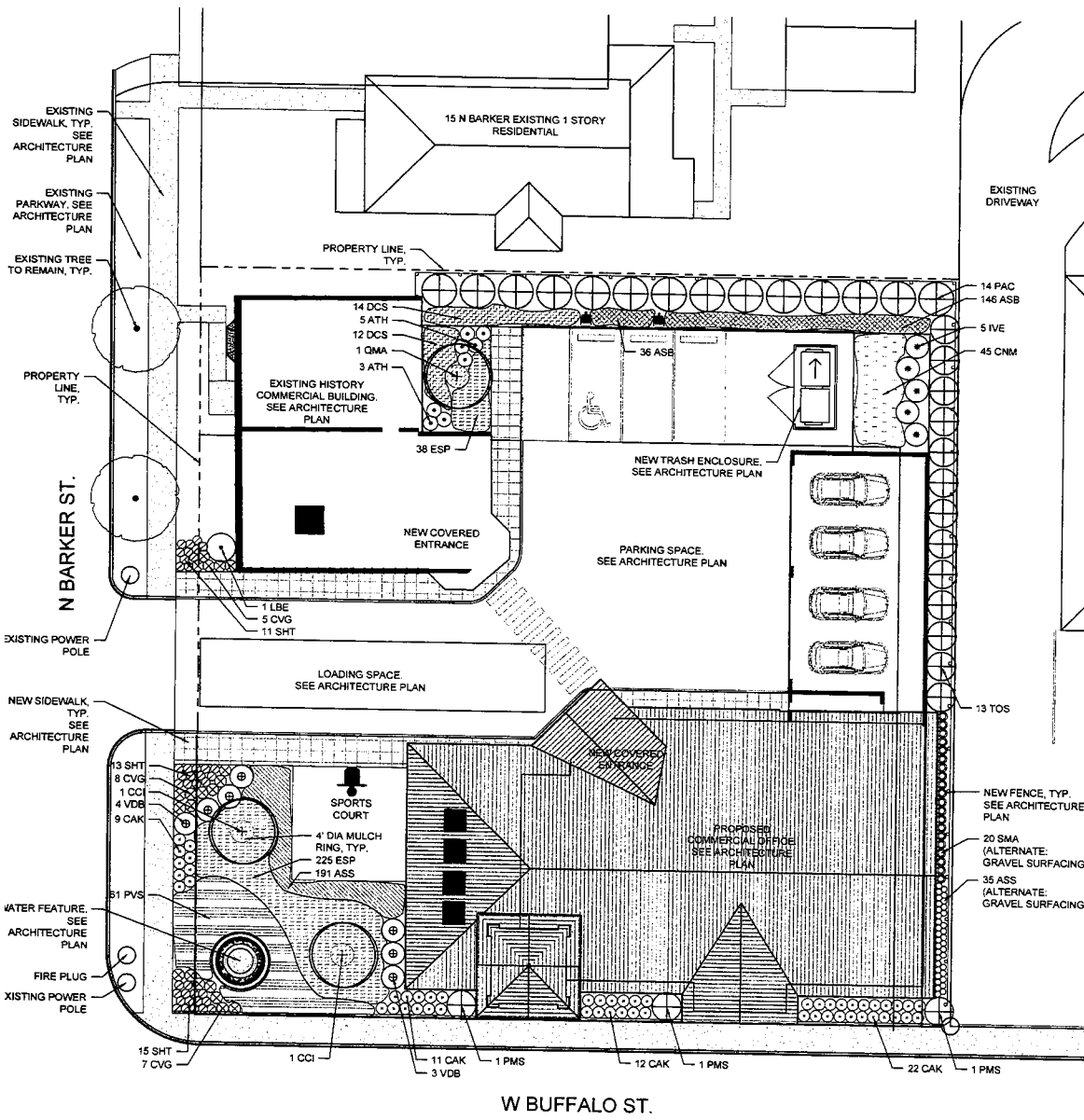
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|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| ZBA APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |
|                    |          |
|                    |          |

JOB #: 2150  
Drawn by: Makara Homan-Kalder








**TOPOGRAPHY PLAN**

Sheet No.  
**A-0.4**

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**LEGEND**

-  EXISTING TREE TO REMAIN
-  PROPOSED TREE
-  PROPOSED EVERGREEN
-  PROPOSED SHRUB
-  PROPOSED PERENNIALS
-  4" DIA. MULCH RING
-  PROPERTY LINE

**MASTER PLANT SCHEDULE**

| Plant Code   | Qty | Botanical Name                                 | Common Name             | Size       | Comments | Spacing           |
|--------------|-----|--|-------------------------|------------|----------|-------------------|
| <b>Trees</b> |     |  |                         |            |          |                   |
| CCI          | 2   | <i>Ornithogalum fidele</i> var. <i>inermis</i> | Thornless Cuckoo Flower | 12" Ht.    | B&B      | as shown on plans |
| PAC          | 14  | <i>Picea abies Cupressina</i>                  | Columnar Norway Spruce  | 7" Ht.     | B&B/CG   | as shown on plans |
| QMA          | 1   | <i>Quercus macrocarpa</i>                      | Burr Oak                | 4" caliper | B&B      | as shown on plans |

| Plant Code    | Qty | Botanical Name                            | Common Name                | Size         | Comments | Spacing           |
|---------------|-----|---|----------------------------|--------------|----------|-------------------|
| <b>Shrubs</b> |     |   |                            |              |          |                   |
| IVE           | 5   | <i>Ilex verticillata</i>                  | Michigan Holly             | #5 container | B&B/CG   | 3' o.c.           |
| LBE           | 1   | <i>Lindera benzoin</i>                    | Spiricebush                | #5 container | B&B/CG   | 5' o.c.           |
| PMS           | 3   | <i>Pinus mugo 'Sherwood Compact'</i>      | Sherwood Compact Mugo Pine | #5 container | B&B/CG   | as shown on plans |
| TOS           | 13  | <i>Thuja occidentalis 'Emerald Green'</i> | Emerald Green Arborvitae   | 7" Ht.       | B&B/CG   | 5' o.c.           |
| VDB           | 7   | <i>Viburnum dentatum 'Blue Muffin'</i>    | Blue Muffin Viburnum       | #5 container | B&B/CG   | 4' o.c.           |

| Plant Code                                  | Qty | Botanical Name                                 | Common Name                         | Size     | Comments | Spacing  |
|---|-----|--|-------------------------------------|----------|----------|----------|
| <b>Perennials, Groundcovers and Grasses</b> |     |  |                                     |          |          |          |
| ASS   | 182 | <i>Allium senescens 'Blue Eddy'</i>            | Blue Eddy Allium                    | 10 flat  | CG       | 12" o.c. |
| ASS   | 226 | <i>Allium recticum 'Summer Beauty'</i>         | Summer Beauty Allium                | 10 flat  | CG       | 12" o.c. |
| ATH   | 8   | <i>Aster multiflorus</i>                       | Blue Star                           | 1 gallon | CG       | 30" o.c. |
| CAK   | 54  | <i>Calamagrostis acutifolia 'Karl Forster'</i> | Karl Forster Feather Reed Grass     | 1 gallon | CG       | 24" o.c. |
| CAK   | 45  | <i>Calamagrostis nepeta 'Monrose White'</i>    | Monrose White Calamint              | 1 gallon | CG       | 24" o.c. |
| CNM   | 20  | <i>Carex verticillata 'Golden Showers'</i>     | Golden Showers Threadleaf Careopsis | 1 gallon | CG       | 24" o.c. |
| CVG   | 26  | <i>Deschampsia cespitosa 'Schottland'</i>      | Turfed Hair Grass                   | 1 gallon | CG       | 24" o.c. |
| DCS   | 263 | <i>Eragrostis spectabilis</i>                  | Purple Love Grass                   | 1 gallon | CG       | 30" o.c. |
| PVS   | 61  | <i>Panicum virgatum 'Shenandoah'</i>           | Shenandoah Switch Grass             | 1 gallon | CG       | 30" o.c. |
| SHT   | 39  | <i>Sporobolus heterolepis 'Tara'</i>           | Tara Prairie Dropseed               | 1 gallon | CG       | 18" o.c. |
| SMA   | 30  | <i>Sedum 'Marianne'</i>                        | Marianne Stonecrop                  | 1 gallon | CG       | 18" o.c. |

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 1700 W Irving Park Rd., Suite 202  
 Chicago, Illinois 60613  
 ph. 773.528.7492

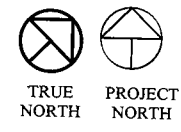
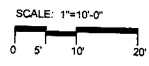
**A&N MORTGAGE**  
 120 W. BUFFALO ST. NEW BUFFALO, MI 49117

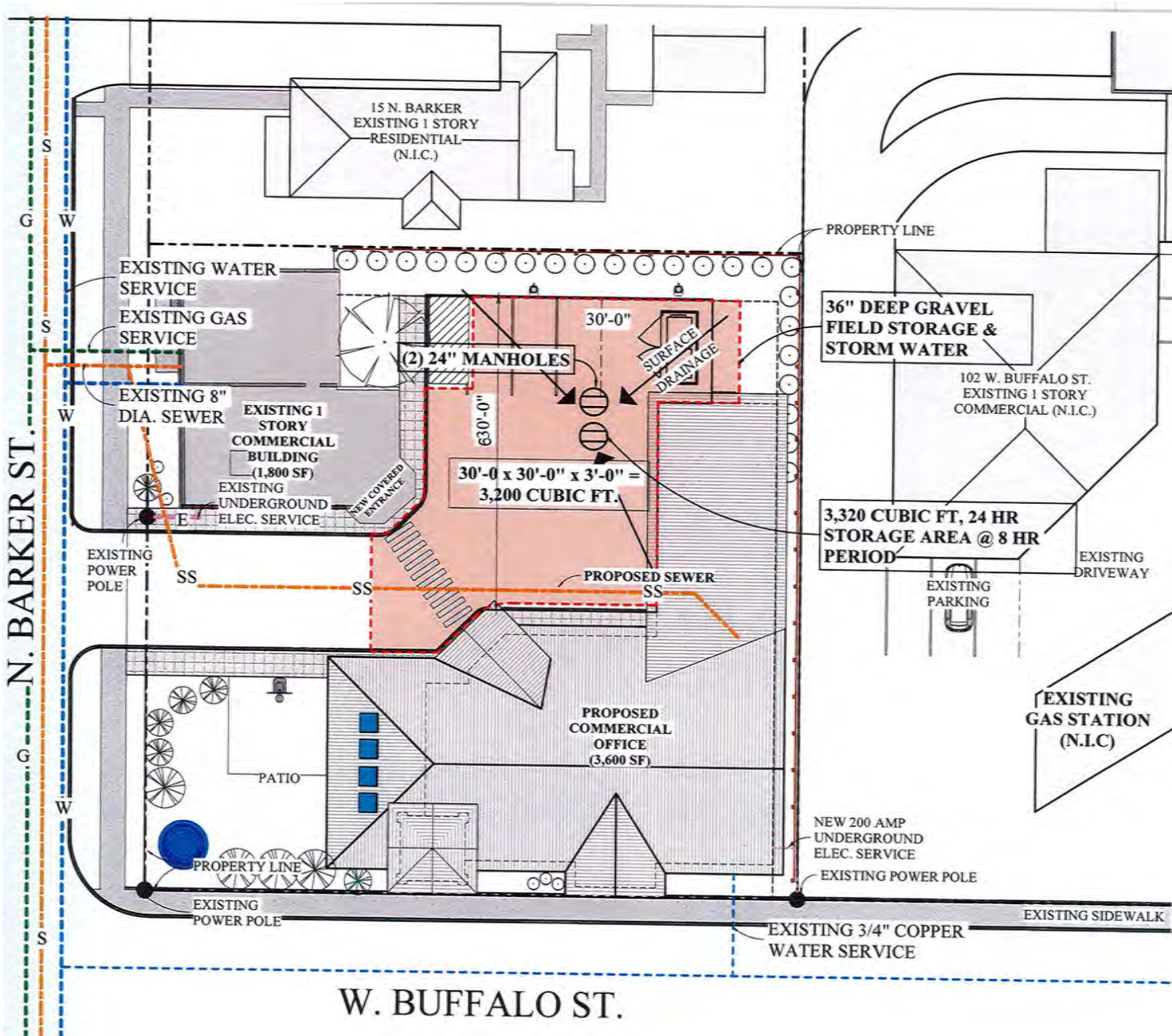
| REVISIONS    |          |
|--------------|----------|
| SCHEMATIC    |          |
| ZBA APPROVAL | 11/19/20 |
| SITE PLAN    |          |
| APPROVAL     | 01/29/21 |

**JOB #: 2150**  
 Drawn by: Mateo Horacio-Juarez  
**LANDSCAPE PLAN**

Sheet No.  
**A-0.5**  
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**1 LANDSCAPE PLAN**





**UTILITY KEY**

- - - S - - - STORM SEWER
- - - W - - - DOMESTIC WATER
- - - SS - - - SANITARY SEWER
- - - E - - - ELECTRICAL
- - - G - - - GAS

Architect  
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 wll@wocollumarchitects.com

**A&N MORTGAGE**  
 120 W. BUFFALO ST. NEW BUFFALO, MI 49117

| REVISIONS          |          |
|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| ZBA APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |
|                    |          |
|                    |          |

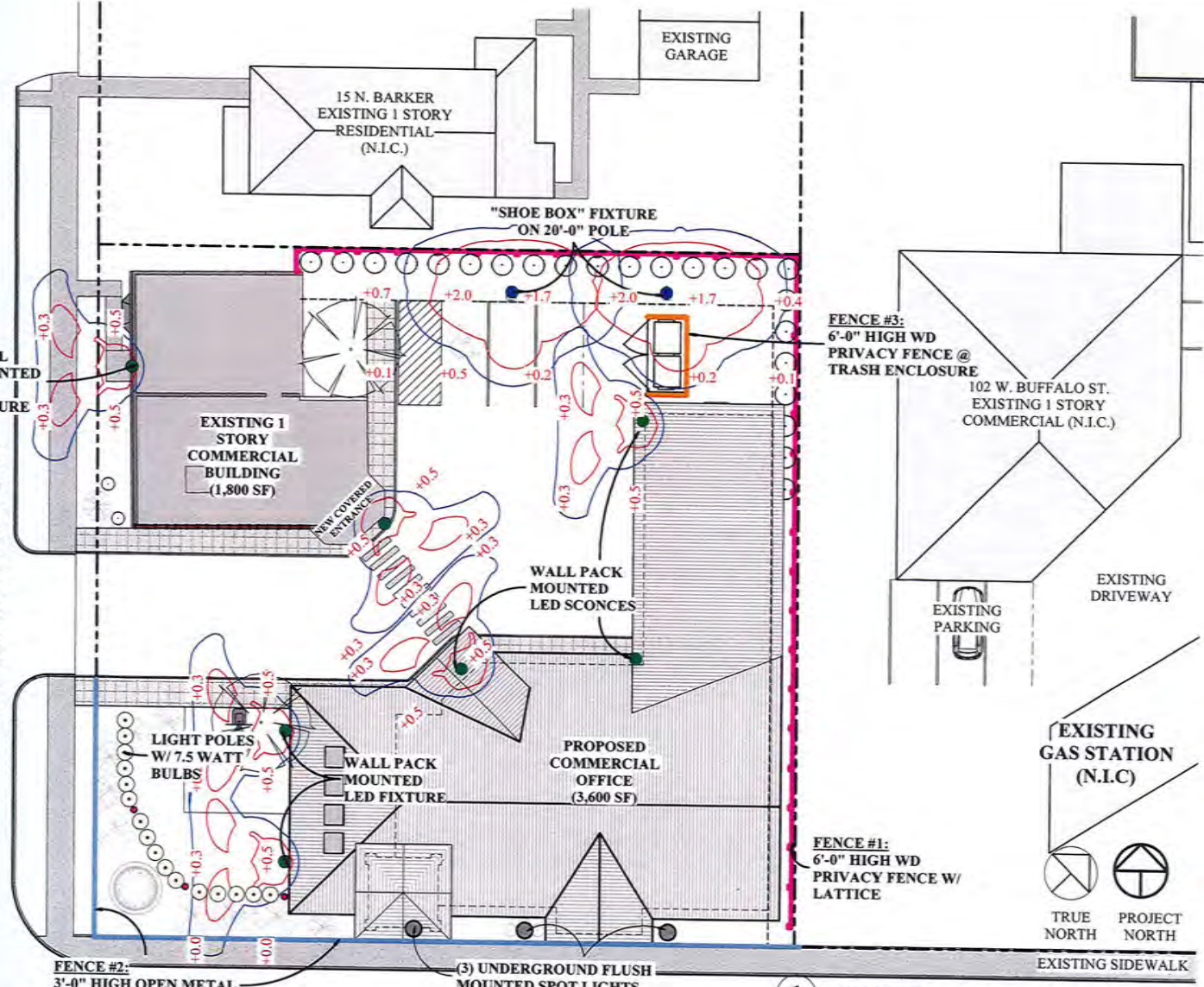
**JOB #: 2150**  
 Drawn by: Marisa Horvath-Kidder  
**SITE UTILITY PLAN**



**1 SITE UTILITY PLAN**  
 20'-0" = 1'-0"  
 0' 5' 10' 20' 30'

Sheet No.  
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N. BARKER ST.



**LIGHTING KEY**

- WALL PACK
- LIGHT POLES W/ 7.5 WATT LIGHT BULBS
- "SHOE BOX" FIXTURE ON 10'-0" POLE
- FLUSH MOUNTED SPOT LIGHTS

**FENCE KEY**

- - - FENCE #1: 6'-0" HIGH WD PRIVACY FENCE
- FENCE #2: 3'-0" HIGH OPEN METAL FENCE
- FENCE #3: TRASH ENCLOSURE

**1 LIGHTING/ FENCE PLAN**  
 20'-0" = 1'-0"

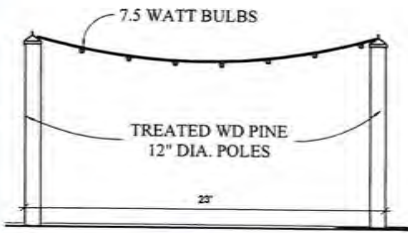
Architect  
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 will@womccollumarchitects.com

**A&N MORTGAGE**  
 120 W. BUFFALO ST. NEW BUFFALO, MI 49117

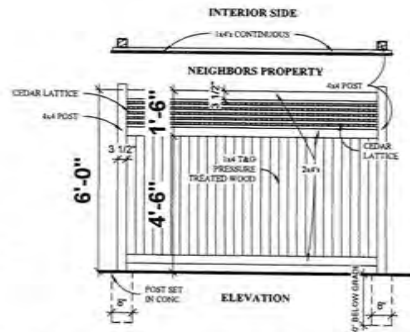
| REVISIONS          |          |
|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| ZBA APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |
|                    |          |
|                    |          |

**JOB #:** 2150  
 Drawn by: Marisa Houson Kildor  
**LIGHTING/ FENCE PLAN**

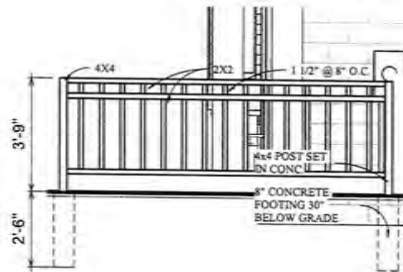
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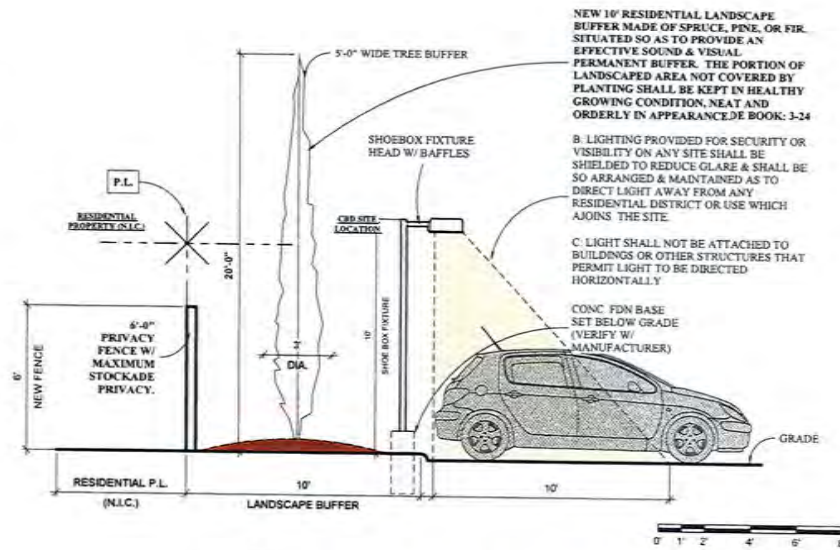
**5 LIGHT POLE DETAIL**  
1/8" = 1'-0"



**1 FENCE 1 @ PROPERTY LINE**  
1/4" = 1'-0"



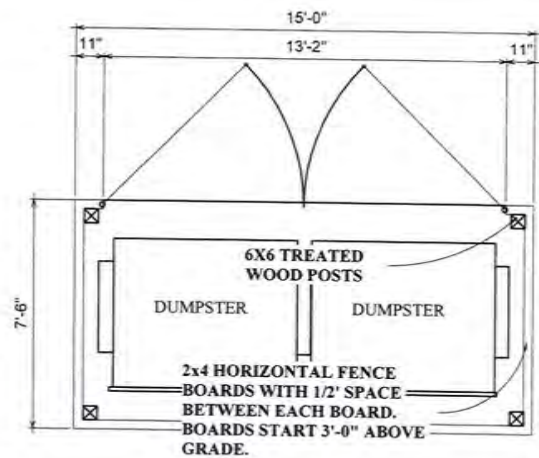
**2 FENCE #2 @ 3'-0"**  
1/4" = 1'-0"



**LANDSCAPE BUFFER DETAIL**  
3/16" = 1'-0"



**3 FENCE 3 @ TRASH ENCLOSURE**  
1/4" = 1'-0"

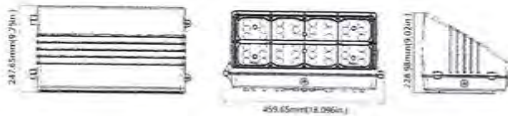


**4 TRASH ENCLOSURE DETAIL**  
1/4" = 1'-0"

**FULL CUTOFF WALL PACK**

**SPECIFICATION FEATURES**

- Construction**
- Scaled die-casting profile for outdoor applications.
  - Casting thermally conducts LED heat to optimize performance and long life.
  - Suitable for applications requiring 3G listing prescribed by ANSI C136.31.
- Optics**
- Light engines are available in standard 4000 K and 5000 K (70 CRI) configurations.
  - Scalable Lumen Packages from 1,800 to 18,000 Lumens.
  - Tempered UV coated flat lens provide outstanding performance, uniformity and glare control.
- Electrical**
- Universal 120-277 or 347-480 VAC input voltage.
  - Greater than 0.9 power factor, less than 20% harmonic distortion, and is suitable for operation in -40°C to 45°C ambient environments.



Net Weight:  
90K: 16.73lb  
135W: 10.92lb

| SYSTEM WATTS | VOLTAGE              | CRI | LUMENS (4000K) | LPW (4000K) | LUMENS (5000K) | LPW (5000K) |
|--------------|----------------------|-----|----------------|-------------|----------------|-------------|
| 135W         | 120-277V/347-480V AC | 70  | 18000lm        | 133 lm/W    | 18000lm        | 133 lm/W    |

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**A&N MORTGAGE**  
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JOB #: 2150

Drawn by: Manja Horvath-Kodaj

SITE DETAILS

Sheet No.  
**A-0.8**

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|--------------------|----------|
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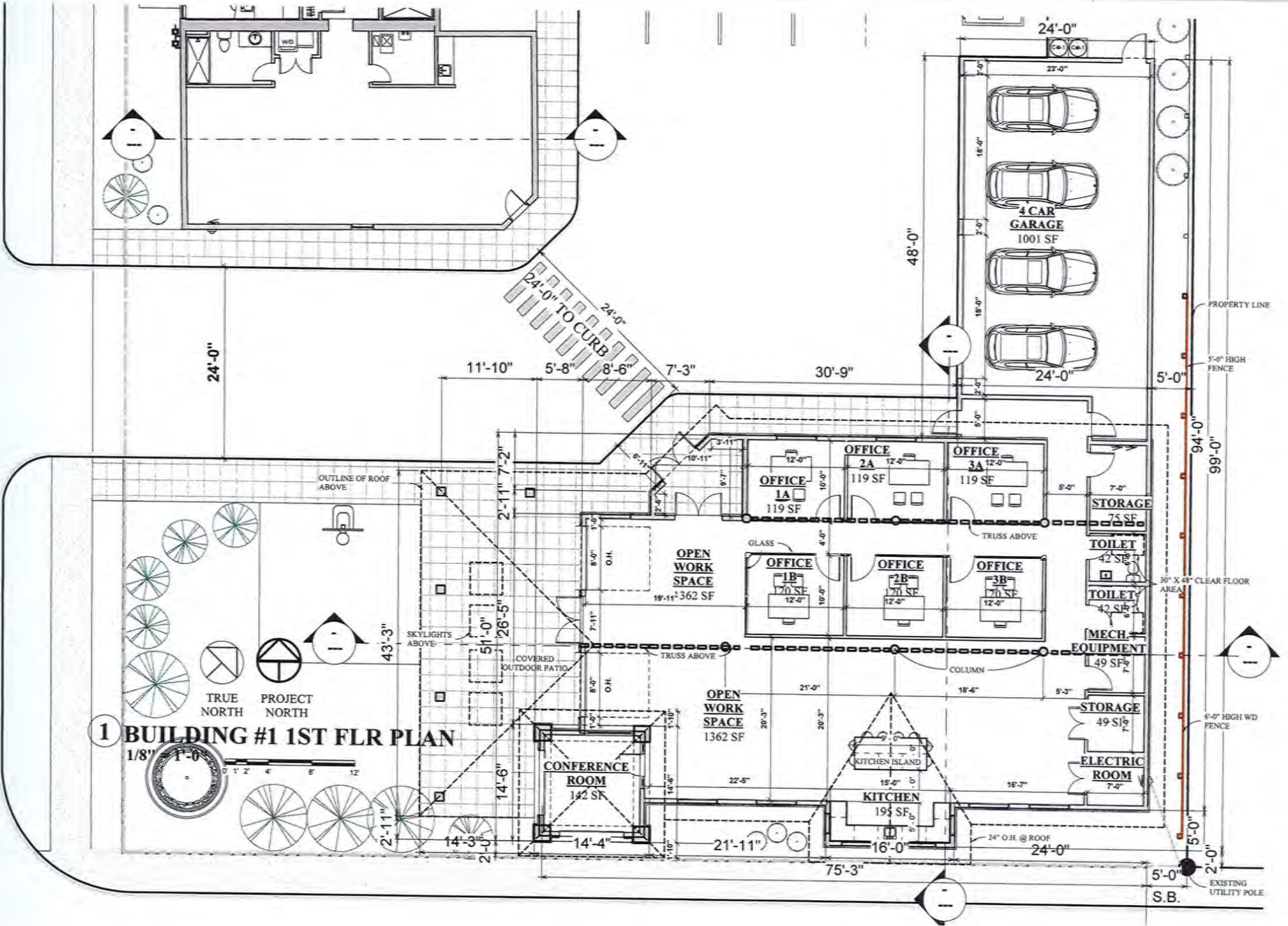
**JOB #: 2150**

Drawn by: Mince Housen-Kalder

**BUILDING #1  
 1ST FLR PLAN**

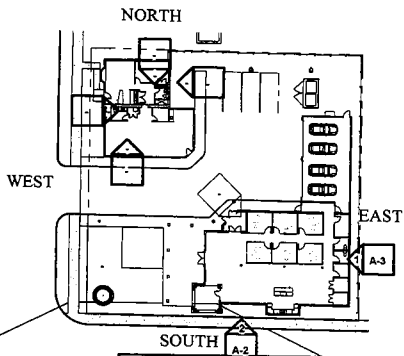
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**1 BUILDING #1 1ST FLR PLAN**





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**A&N MORTGAGE**

120 W. BUFFALO ST. NEW BUFFALO, MI 49117

| REVISIONS          |          |
|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| ZBA APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |

**JOB #: 2150**

Drawn by: Micaela Horrocks-Kueller

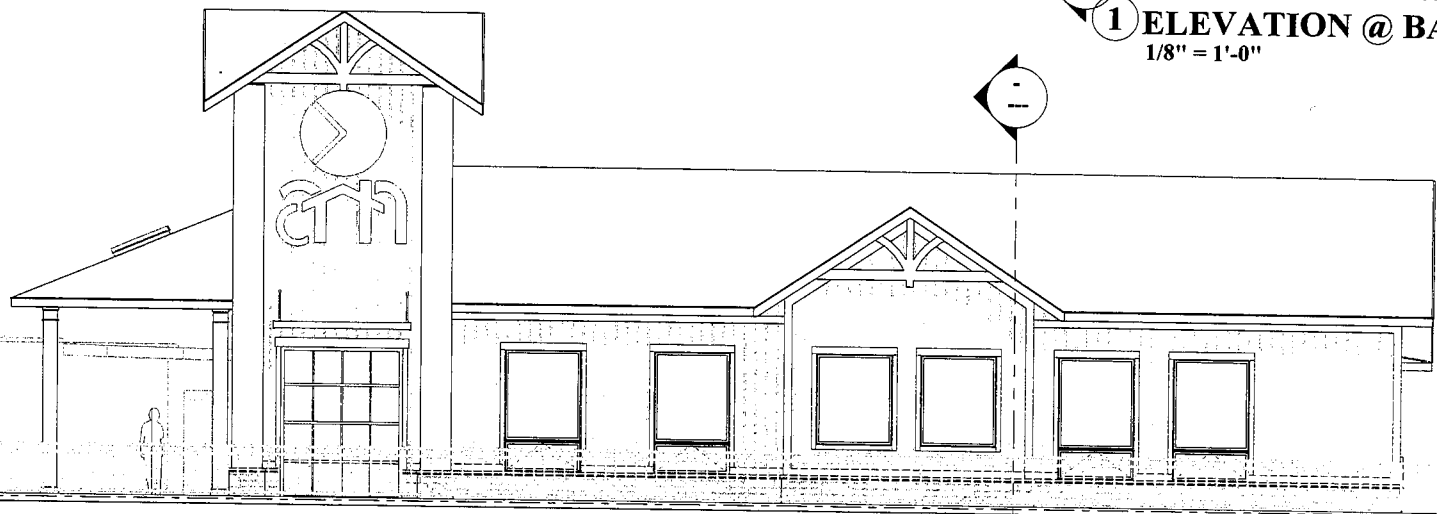
**EXTERIOR ELEVATIONS**

Sheet No.  
**A-2**

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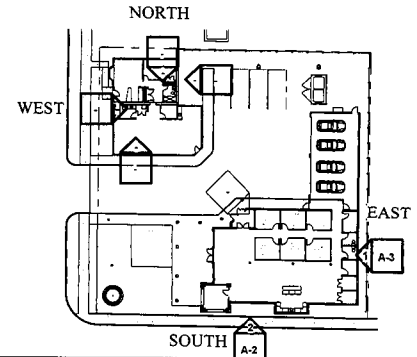
**BUILDING #1 - FRONT  
 1 ELEVATION @ BARKER ST.**  
 1/8" = 1'-0"



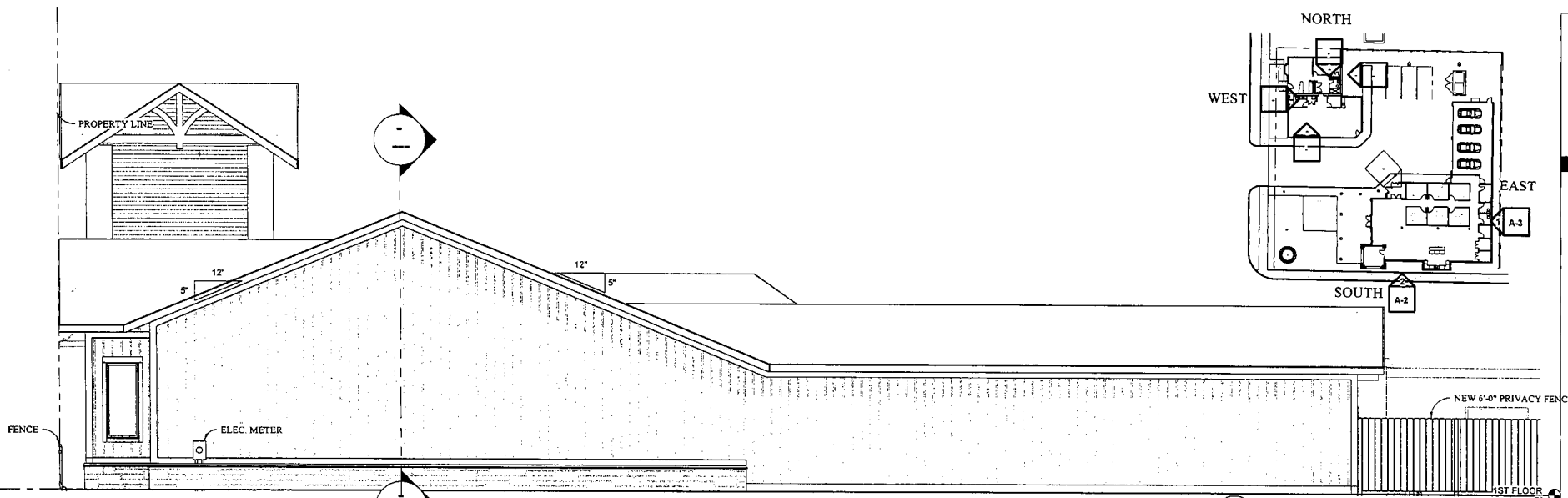
**BUILDING #1 - FRONT  
 2 ELEVATION @ BUFFALO ST.**  
 1/8" = 1'-0"

1ST FLOOR

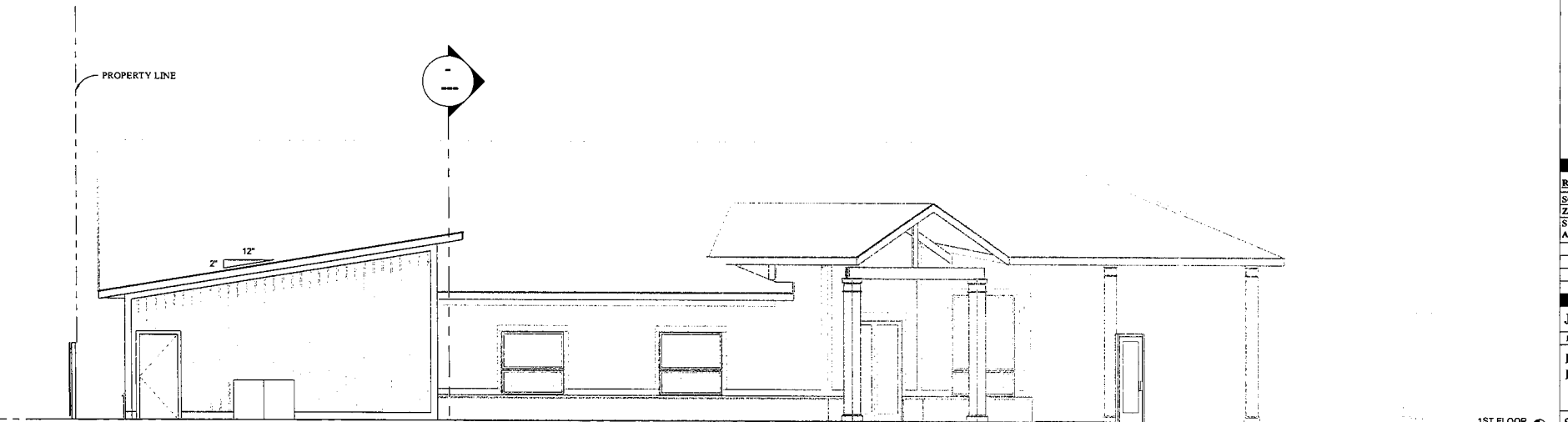
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 fax: (269) 469-9219  
 bill@mccollumarchitects.com



**A&N MORTGAGE**  
 120 W. BUFFALO ST. NEW BUFFALO, MI 49117



**1 BUILDING #1 - EAST**  
 1/8" = 1'-0"



**2 BUILDING #1 - NORTH**  
 1/8" = 1'-0"

| REVISIONS          |          |
|--------------------|----------|
| SCHEMATIC          | 10/02/20 |
| ZBA APPROVAL       | 11/19/20 |
| SITE PLAN APPROVAL | 01/29/21 |

**JOB #: 2150**  
 Drawn by: Matya Horvath-Kidder  
**EXTERIOR ELEVATIONS**

Sheet No.  
**A-3**

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### Section 10-1 Intent and purpose.

This district is intended to provide convenience retail and services, specialty retail, tourist-oriented retail and services, entertainment establishments, and professional offices in a concentrated, but well-designed manner. This district is intended to serve the local residents as well as the vacationing or visiting public.

### Section 10-2 Uses permitted by right and special use permit.

[Amended 2-19-2008 by Ord. No. 175; 9-22-2008 by Ord. No. 177; 2-2-2012 by Ord. No. 184]

Land or buildings in the CBD District may be used for the following uses "by right" or by "special use permit" as identified. Those uses permitted by special use permit shall be reviewed in accordance with provisions contained in Article 17.

| Land Use   | Permitted by Right | Special Use |
|--|--------------------|-------------|
| <b>GROCERY, FOOD STUFFS, PHARMACIES AND RELATED USES</b>   |                    |             |
| 1. Grocery store   | X                  |             |
| 2. Convenience store selling foods, without gasoline sales   | X                  |             |
| 3. Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store  | X                  |             |
| 4. Bulk food sales (retail)  | X                  |             |
| 5. Pharmacy (without drive-through service)  | X                  |             |
| 6. Pharmacy (with drive-through service)   |                    | X           |
| 7. Medical supplies  | X                  |             |
| 8. Liquor sales  | X                  |             |
| <b>AUTOMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE</b>  |                    |             |
| 9. Automotive parts  |                    | X           |
| 10. Marine supplies (not including watercraft sales and service)   | X                  |             |
| 11. Marine supplies (including watercraft sales and service)   |                    | X           |
| <b>OFFICES</b>   |                    |             |
| 12. Executive, professional, and administrative offices  | X                  |             |
| 13. Medical offices, out-patient clinics, and emergency medical center   |                    | X           |
| 14. Real estate and insurance  | X                  |             |
| 15. Veterinary office (but not including outdoor kennels, run, or exercise facilities)   | X                  |             |
| 16. Government and community service facility (but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character)  | X                  |             |
| 17. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, but without drive-through facilities   | X                  |             |
| 18. Financial institutions including: banks, credit unions, savings and loan, mortgage, stock brokerage, and investments, with drive-through facilities  |                    | X           |
| <b>RESTAURANTS, LOUNGES, BARS, AND PUBS</b>  |                    |             |
| 19. Restaurants, cafes, coffee shops and ice cream shops (without drive-through service)   | X                  |             |
| 20. Outdoor seating/service  |                    | X           |
| 21. Bars, lounges, or pubs (not including adult entertainment)   | X                  |             |
| <b>GENERAL AND SPECIALITY RETAIL AND PERSONAL SERVICES</b>   |                    |             |
| 22. Sporting goods (not including recreational vehicle sales and service)  | X                  |             |
| 23. Bait shops   | X                  |             |
| 24. General merchandise stores limited to new merchandise and entirely within an enclosed building (includes department and variety stores)  | X                  |             |
| 25. Used retail merchandise sales conducted entirely within an enclosed building and handling product lines classified as antiques, used, secondhand, surplus or factory seconds   |                    | X           |
| 26. Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics  | X                  |             |
| 27. Personal services including: hair salons, beauty/barber shops, florists, health and fitness clubs, photographic studios, travel agencies, locksmith, tax services, video rental (non-adult), dry cleaners (non-industrial), pet grooming and commercial day care | X                  |             |
| 28. Massage services   |                    | X           |

|  |  |   |   |
|--|--|---|---|
| 29.  | Specialty retail stores including: books/news/magazine (non-adult), stationery, jewelry, hobby/toys, gift/novelty, luggage/leather, sewing/needlework, tobacco, music/compact discs/tapes, and musical instruments | X |   |
| 30.  | Apparel, including shoes and clothing accessories  | X |   |
| 31.  | Hardware stores  | X |   |
| <b>RECREATION, LEISURE, HOTELS, AND MOTELS</b> |  |   |   |
| 32.  | Bowling alley, with or without the sale of food and alcoholic beverages  |   | X |
| 33.  | Miniature golf   |   | X |
| 34.  | Indoor movie theater or performing arts theater (not including adult entertainment)  |   | X |
| 35.  | Lodge halls, social clubs, fraternal organizations, banquet halls, and other similar uses not involving residential occupancy or adult entertainment   |   | X |
| 36.  | Municipal parks  | X |   |
| 37.  | Hotels   |   | X |
| 38.  | Motels   |   | X |
| 39.  | Bed-and-breakfast  |   | X |
| <b>MISCELLANEOUS</b>                           |  |   |   |
| 40.  | Public utility buildings and uses, but not including storage yards   |   | X |
| 41.  | Educational institution offices or facilities  |   | X |
| 42.  | Open-air businesses  |   | X |
| 43.  | Parking structures   |   | X |
| 44.  | Residential dwellings  |   | X |
| 45.  | Religious institutions   |   | X |

**Section 10-3 Site development requirements.**

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required in accordance with Article 19.
- B. Parking is required in accordance with Article 15.
- C. Signs are permitted in accordance with the requirements of Article 16.
- D. Setbacks, height, area, and lot dimensions are required as noted below. [Amended 3-18-2003 by Ord. No. 141]

**CBD SETBACK, HEIGHT, AREA AND LOT REQUIREMENTS**

|                         |   |
|-------------------------|---|
| Minimum lot size        | 8,000 square feet   |
| Minimums lot width      | 66 feet   |
| Maximum building height | 35 feet   |
| Front yard setback      | None required   |
| Side yard setback       | When abutting nonresidentially used or zoned property: 10 feet, however, the Planning Commission may approve up to a zero setback if it can be demonstrated that the lesser setback will not adversely affect adjoining properties, and specifically light availability to existing or proposed buildings. Where abutting lots have buildings employing a common party wall no side yard shall be required. |
|                         | When abutting residentially zoned property: 30 feet   |
| Rear yard setback       | 25 feet   |
| Maximum lot coverage    | 70% of the total lot area   |

## Section 15-1 Purpose.

- A. The purpose of this article is to permit and regulate on-(off-street) parking of motor vehicles and the on-loading and unloading of vehicles in all zoning districts.
- B. In all zoning districts, on-premises parking facilities for the storage and parking of motor vehicles for the use of occupants, employees and patrons of buildings erected, altered, or extended after the effective date of this ordinance shall be provided as prescribed herein.

## Section 15-2 Location of parking.

- A. One- and two-family dwellings. Required on-premises parking shall be provided on the same lot or parcel as the dwellings it is intended to serve. With the exception of driveways, no parking shall be allowed closer than 10 feet to a street right-of-way line. Driveways for single-family dwellings shall not exceed 30 feet in width. Total driveway width for two-family dwellings shall not exceed 48 feet. In no instance shall the total area devoted to driveways and parking areas for one or two-family dwellings exceed one-third of the front-yard area.
- B. Multiple-family dwellings. Required on-premises parking for multiple-family dwellings shall be provided on the same lot or parcel as the dwellings they are intended to serve. In no instance shall any parking space, other than that provided within an enclosed garage or carport, be located nearer than 15 feet to a residential building.

### C. Other land uses.

- 1. Required on-premises parking for other than residential uses shall be located on the same lot, or within lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premises parking lot.
- 2. Parking on lots under different ownership within 300 feet may also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties, is provided.

## Section 15-3 General requirements.

- A. Parking location standards.
  - 1. The parking of any vehicle on-in other than a designated parking area approved for such parking by the Planning Commission shall be prohibited.
  - 2. The parking of any vehicle on any lawn or landscaped area shall be prohibited. The Planning commission may require any person or business responsible for converting lawn or landscaped areas to parking, without having received site plan approval, to restore such areas to their original state.
  - 3. For all residential uses, the parking of motor homes, boats, trailers and other large recreational equipment in the front yard for longer than 48 hours in any seven-day period shall be prohibited.
  - 4. Off-street parking shall not be required for permitted and special nonresidential uses within the CBD District where the owner can demonstrate to the satisfaction of the Planning Commission that adequate parking is available to serve the use on-street, in a community parking lot, and/or through a shared arrangement with other nearby uses. This exemption shall not apply to residential uses in the CBD District.
- B. Storage or repair in parking areas.
  - 1. The use of parking areas for the storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance, is prohibited, unless specifically approved by the Planning Commission as part of site plan review or by special use permit, as applicable.
  - 2. The storage of semi-trailers outside of areas approved for such storage on an approved site plan shall be prohibited.

3. The use of parking areas for the storage or parking of vehicles unrelated to the business for which the parking is intended shall be prohibited, except as permitted by Section 15-2C(2).
4. The use of semi-trailers for storage purposes on a long-term basis (longer than a week) is prohibited.

**C. Determination of parking requirements.**

1. The minimum parking space requirements for all uses shall be those identified in Section 15-6.
  2. For uses not specifically listed in Section 15-6, the requirements for on-premises parking shall be determined as follows:
    - a. The Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirement to a use which is listed in Section 15-6. In such case, the same parking requirement shall apply.
    - b. The Planning Commission may establish the parking requirement for the proposed use based on documentation pertaining to the parking demand for that use provided and substantiated by the applicant, or based on other professional planning resource material.
  3. Public street rights-of-way shall not be counted for meeting on-premises parking requirements.
  4. Outdoor parking spaces required for business-related vehicles shall be provided in addition to the parking spaces required in Section 15-6.
  5. Two or more buildings or uses may collectively provide the required on-premises parking if a signed agreement is provided by the property owners, and the number of spaces being provided meets the minimum required for all uses calculated individually. Such parking shall be convenient to all uses for which it is intended.
  6. Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- D. Maximum amount of parking.** In order to minimize excessive areas of pavement which results in adverse aesthetic and environmental impacts, and contributes to high rates of storm-water runoff, the Planning Commission may limit the total amount of parking to not exceed the minimum parking requirement by more than 30%.
- E. Conversion of parking areas to other uses.** Unless the Planning Commission has reviewed and approved the change, any parking area once approved as a required parking area shall not be changed to any other use.

### **Section 15-4 Design and construction requirements.**

- A. Surface and drainage requirements.** All parking areas shall be surfaced with a durable and dustless surface and shall be properly graded and provided with adequate drainage facilities as approved by the City Engineer.
- B. Surface striping.** All paved parking spaces, aisles, and unloading zones shall be striped or marked. Such striping or other required demarcation shall be maintained permanently in a condition such that easy interpretation of such markings by intended users is possible. In approved unpaved parking areas, spaces shall be defined by wheel chocks, concrete bumpers, or other similar device.
- C. Lighting.** All parking lot lighting shall be designed, located, and/or shielded to prevent spill over onto adjacent properties, and shall be arranged to prohibit adverse affects on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet for any fixture to be located within 150 feet of a residential district or use, and a maximum height of 30 feet for all other locations.
- D. Dimensional standards for parking spaces and aisles.** All on-premises parking areas shall meet the minimum parking space and maneuvering lane standards contained in the following table.

#### **Minimum Parking Space and Maneuvering Lane Standards**

| <b>Parking Pattern<br/>(degrees)<br/>Parking Pattern<br/>(degrees)</b> | <b>Minimum Parking Space and Maneuvering Lane Width One-Way<br/>(feet)</b> | <b>Minimum Parking Space and Maneuvering Lane Width Two-Way<br/>(feet)</b> | <b>Parking Space Width<sup>1</sup><br/>(feet)</b> | <b>Parking Space Length<sup>2</sup><br/>(feet)</b> |
|--|--|--|---|--|
| Parallel   | 12   | 20   | 9   | 25   |
| 30° to 50°   | 12   | 20   | 9   | 25   |
| 54° to 74°   | 13   | 24   | 9   | 21   |
| 75° to 90°   | 20   | 24   | 9   | 20   |

**NOTES:**

- <sup>1</sup> Parking space width measured perpendicular to the space center line.
- <sup>2</sup> Parking space length measured along the space center line.

**Section 15-5 Parking units of measurement.**

**A. Equivalency or substitution.**

- 1. Wherever parking requirements are based on gross floor area, gross leasable area may be substituted if that figure is more readily available.
- 2. In calculating bench seating for places of assembly, two feet shall be the equivalent of one seat.
- 3. In those cases where the Planning Commission determines that striping of spaces would not be appropriate, 300 square feet of parking area shall be provided for each required parking space.

**B. Rounding.** In calculating the required amount of parking or loading spaces, any fraction of 0.5 or greater shall be rounded up, and any fraction of less than 0.5 shall be rounded down.

**Section 15-6 Minimum parking space requirements.**

The minimum amount of parking spaces required for designated uses are included in the tables below.

**A. GENERAL RESIDENTIAL**

|  |   |
|--|---|
| Single-family and two-family dwellings   | 2.0 spaces per dwelling unit                      |
| Multiple-family dwelling and dormitories | 2.0 spaces per each unit                          |
| Manufactured homes in a mobile home park | 2.0 space per each manufactured home unit or site |

**B. SENIOR HOUSING**

|  |  |
|--|--|
| Housing for fully independent residents: Senior independent units and independent care retirement village or center          | 1.5 spaces per each room and living unit |
| Housing for residents requiring a moderate level of care: senior "interim care," "elder care," and "intermediate care" units | 1.0 space per each room                  |
| Housing for residents whose care is fully dependent on others: Convalescent homes, nursing homes, rest homes, etc.           | 1.0 space per each 2 rooms               |

**C. INSTITUTIONAL/CIVIC (Religious, Municipal, Hospital, Child Care, Schools, and Halls)**

|   |   |
|---|---|
| Churches, temples, synagogues and other places of worship | 1.0 space per each 3 seats or 6 feet of pews  |
| Municipal office buildings                                | 4.0 spaces per 1,000 square feet of gross floor area, plus spaces required for any assembly hall, auditorium, and outdoor arena |

|  |   |
|--|---|
| Hospitals  | 2.5 spaces per each licensed bed, plus outpatient care and emergency care requirements  |
| Outpatient care and emergency care services                              | Refer to medical office parking requirements  |
| Child-care centers   | 3.0 spaces plus, 1.0 additional space for each 7 children of licensed authorized capacity   |
| Primary schools (elementary and junior high)                             | 2.0 spaces per classroom, plus 1 space for each 3 seats of maximum seating capacity for that indoor facility having the greatest seating capacity                               |
| Secondary schools (high)   | 8.0 spaces per each classroom, or 1 space per each 4 seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity                   |
| Auditoriums, assembly halls, and outdoor arenas                          | 1.0 space per each 3 seats or 6 feet of bleachers   |
| Public recreation centers  | 5.0 spaces per 1,000 square feet of gross floor area  |
| Dance hall, union hall, lodge hall, fraternal hall/club and similar uses | 1.0 space per every 2 persons of capacity authorized by the City Building Code or Fire Code if more stringent   |
| <b>D. OFFICE</b>   |   |
| Medical, dental office, clinic   | 5.0 spaces per 1,000 square feet of gross floor area, plus outpatient care, emergency, twenty-four-hour medical station requirements, if applicable                             |
| Outpatient care, emergency care, 24-hour medical station                 | 2.0 spaces per exam or outpatient procedure/operating room, plus 1.0 space per laboratory or recovery room, plus 1.0 space for each 2 rooms for employee parking                |
| General office building and real estate offices                          | 3.0 spaces per 1,000 square feet of gross floor area  |
| Bank, credit union, savings and loan                                     | 6.0 spaces per 1,000 square feet of gross floor area, plus 4.0 stacking spaces per window and ATM   |
| <b>E. COMMERCIAL/RETAIL/SERVICE</b>                                      |   |
| Appliance store  | 4.0 spaces per 1,000 square feet of gross floor area  |
| Auto service station and auto care centers                               | 3.0 spaces per each service bay, plus 1.0 space per each tow truck, plus 4.0 spaces per 1,000 square feet of area devoted to the sale of automotive goods, or convenience foods |
| Auto service-oil change/quick lube                                       | 3.0 spaces per service bay  |
| Automotive sales   | 1.0 space per 5,000 square feet of outdoor sales area, plus 1.0 space per sales desk/office, plus 3.0 spaces per each service bay   |
| Automobile wash (self-wash)  | 3.0 stacking spaces per bay   |
| Automobile wash (automatic)  | 2.0 spaces plus 15 stacking spaces per bay  |
| Bar (lounge)   | 16.0 spaces per 1,000 square feet of gross floor area, or 0.7 space per seat, whichever is greater  |
| Barber shop, beauty salon, hair salon                                    | 2.5 spaces per each barber or beautician's chair or station   |
| Bed-and-breakfast inn  | 2.0 spaces, plus 1.0 space per guest room   |
| Conference rooms, exhibit halls, and similar uses                        | 1.0 space per every 2 persons of capacity authorized by the City Building Code or fire official, or 10.0 spaces per 1,000 square feet of gross floor area, whichever is greater |
| Convenience store  | 4.0 spaces per 1,000 square feet of gross floor area or the area devoted to convenience sales when in a multi-use building  |
| Discount retail store  | 5.0 spaces per 1,000 square feet of gross floor area  |
| Dry cleaners   | 2.0 spaces per 1,000 square feet of gross floor area, plus 2.0 spaces per drive-up window   |
| Funeral homes  | 1.0 space per 50 square feet of space devoted to service parlors, chapels, and reception area, plus 1.0 space per each funeral vehicle  |

*9 required*

per court, whichever is greater

Video arcade

1.0 space per 50 square feet of gross floor area, with a minimum of 6.0 spaces required

### G. INDUSTRIAL

Light industrial, manufacturing, testing labs, research and development centers, other industrial

1.5 spaces per 1,000 square feet of gross floor area, with a minimum of 6.0 spaces

Warehousing

1.0 space per each 2,500 square feet of gross floor area, with a minimum of 4.0 spaces

### Section 15-7 Deferred parking for commercial and industrial districts.

An applicant may request that a portion of the required parking be deferred from being constructed in cases where the applicant feels the minimum parking required is in excess of what is required for their business. Parking may not be deferred below the minimum standard of 0.5 space per 1,000 square feet of gross floor-area for industrial uses or 80% of the required parking for commercial uses. The applicant shall show that the deferred portion of the parking is possible to construct on the site by showing it on the site plan; and shall guarantee the availability of such area for future parking through a recorded deed restriction on the property, a copy of which shall be provided to the Zoning Administrator prior to commencing construction on the site. The City shall retain the right to revoke the deferral at any time if observations of the use indicate that the amount of parking is insufficient. In cases of revocation, the applicant shall construct the deferred portion of the parking within 90 days of being directed to do so by the City.

### Section 15-8 Barrier-free parking and design requirements.

Within each parking lot, signed and marked barrier-free spaces shall be provided at a convenient location, in accordance with state and federal law. Wheelchair access requirements shall be according to state or federal barrier-free regulations, with most restrictive requirements applying.

### Section 15-9 On-requirements for loading and unloading.

- A. Loading and unloading space shall not use any portion of any public right-of-way or private road easement area, except in the CBD District.
- B. Maneuvering space for trucks using the loading spaces shall be provided on-premises, and shall not necessitate the use of a public right-of-way or private road easement, except in the CBD District.
- C. Loading and unloading spaces shall be a minimum of 12 feet in width, 60 feet in length, and have a minimum clearance of 14 feet in height.
- D. If truck wells are to be used, a protective railing or wall shall be provided along the sides of the well.
- E. Required loading and unloading spaces shall not be included in calculations for parking spaces needed to meet general parking requirements.
- F. Loading and unloading spaces shall be constructed of either cement or asphalt with a base and thickness of pavement suitable for the anticipated weights of the trucks to be using it.
- G. Loading and unloading spaces shall be provided in accordance with minimum requirements contained in the following tables.

#### REQUIRED LOADING AND UNLOADING SPACES

##### Institutional, Commercial and Office Uses

|  |  |
|--|--|
| Up to 2,000 square feet of gross floor area      | None required  |
| 2,001 to 20,000 square feet of gross floor area  | 1.0 space  |
| Exceeding 20,000 square feet of gross floor area | 1.0 space per each 20,000 square feet of gross floor area, with a maximum of 5.0 spaces required |

**Variance Request 120 W. Buffalo Street 11-62-0340-0259-02-5**

Tony McGhee – Read the City Manager report.  
Bill McCollum, applicant, gave a presentation explaining the proposed project.  
Discussion followed concerning parking.

**Motion** by Joseph, seconded by Gabryszewski to **approve** the Variance Request for **120 W. Buffalo Street 11-62-0340-0259-02-5: roll call vote, motion carried, 6-0.**

**Variance Request 123 S. Thompson Street 11-62-6750-0147-04-4**

Tony McGhee – Read the City Manager report.

**Motion** by Joseph, seconded by Borg to **approve** the Variance Request for **123 S. Thompson Street 11-62-6750-0147-04-4 with smaller setback: roll call vote, motion carried, 6-0.**

**Variance Request 529 North Drive 11-62-0009-0003-16-6**

Tony McGhee – Read the City Manager report.  
Detailed discussion took place regarding many aspects of the project including, the height, setbacks and parking.

**Motion** by Joseph, seconded by Gabryszewski to **table** the variance request at **529 North Drive 11-62-0009-0003-16-6: roll call vote, motion carried, 6-0.**

Board Comments

None

**Motion** by Joseph to adjourn, seconded by Borg at 7:03 pm to adjourn the meeting: roll call vote, motion carried, 6-0.

Adjournment at 7:04 pm.

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Tom Smith, ZBA Chairperson

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Amy Fidler, City Clerk