

## City of New Buffalo Planning Commission Special Meeting Tuesday, June 1, 2021 at 7:00 P.M. AGENDA

Join Zoom Meeting https://us02web.zoom.us/j/87292923401?pwd=cDkxZlZOSXVjc0dDREJqYlhiQVVFdz09

Meeting ID: 872 9292 3401 Passcode: 653449

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Agenda
- 4. Approval of Previous Minutes- April 20, 2021
- 5. Public Comment
- 6. Public Hearinga. 1 N. Whittaker Site Plan & Special Use request for Restaurant outdoor seating area
- New Business

   I N. Whittaker Site Plan & Special Use request for Restaurant outdoor seating area
- 8. Commissioner Comments
- 9. Adjournment

The Special Meeting for April 20, 2021 of the New Buffalo City Planning Commission was called to order by Chair Billingslea at 7:00 p.m.

## Roll Call: All present.

Don Stoneburner, New Buffalo, MI, Berrien County; Roxanne Lauer, New Buffalo, MI, Berrien County; Bill McCollum, New Buffalo, MI, Berrien County; Mark Joseph, New Buffalo, MI, Berrien County; Paul Billingslea, New Buffalo, MI, Berrien County.

Staff Present: City Manager, Darwin Watson; Deputy City Clerk, Nancy Griffin; Chief of Police, Rich Killips

**Approval of Agenda: Motion** by Commissioner Lauer seconded by Commissioner Stoneburner to approve the agenda:

Roll Call Vote: Ayes: Lauer, Joseph, McCollum, Stoneburner, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

Approval of Previous Minutes: Motion by Commissioner Lauer, seconded by Commissioner Joseph to approve the Special Planning Commission Minutes from April 13<sup>th</sup>, 2021:

Roll Call Vote: Ayes: McCollum, Lauer, Stoneburner, Joseph, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

## **Old Business**

**Motion** by Commissioner Joseph, seconded by Commissioner Lauer to untable the motion made on April 13<sup>th</sup> Planning Commission meeting to amend section 2-3 and add a new section 6-5 to the New Buffalo zoning ordinance to cap the total number of short-term rental units in the city's R-1 zoning district:

Roll Call Vote: Ayes: Joseph, Lauer, Stoneburner, McCollum, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

# To amend section 2-3 and add a new section 6-5 to the New Buffalo zoning ordinance to cap the total number of short-term rental units in the city's R-1 zoning district

Commission discussed the responsibilities of the Planning Commission regarding city zoning and short-term rentals.

Decision made to make the following resolution:

**Motion** by Chair Billingslea seconded by Commissioner Lauer to recommend to the City Council: 1) the removal of the Short-Term Rental moratorium from all zoning districts other than R-1; and 2) replace "not exceed 65" in the proposed language for Section 6-5 (A) with "be determined by the New Buffalo City Council":

Roll Call Vote: Ayes: Stoneburner, Lauer, McCollum, Joseph, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

#### **New Business**

## Site plan amendment for Beer Church

Commission discussed and clarified the site plan amendment is to remove parking spaces and add seating. The Planning Commission is reviewing since the proposed seating would increase by more than 10% from the original plan.

**Motion** by Commissioner Stoneburner, seconded by Commissioner Joseph to approve the site plan amendment for the Beer Church as presented to increase seating and removal of parking spaces:

Roll Call Vote: Ayes: Lauer, Joseph, McCollum, Stoneburner, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

#### **Commissioner Comment: None**

**Motion** by Chair Billingslea, seconded by Commissioner Joseph to close the business portion of the meeting:

Roll Call Vote: Ayes: McCollum, Lauer, Stoneburner, Joseph, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

### **Public Comment:**

Bill Lenga Heather Gradowski Ryan Fritts John Natsis Julie Ritchie Chris Yonker

Dan Coffey Sharon Kelly Cynthia Marquard Laura Murray Eden/Kennedy

**Adjournment: Motion** by Commissioner Joseph, seconded by Commissioner Lauer to adjourn the meeting at 7:41 p.m.:

Roll Call Vote: Ayes: Joseph, Lauer, Stoneburner, McCollum, Billingslea Nays: Absent: Abstain: Motion Carried, 5-0.

ng.

Paul Billingslea, Chair

Nancy Griffin, Deputy Clerk



## **City of New Buffalo**

## Special Use Permit Staff Report

Hearing Date: February 17, 2021 Project Number: PZ21-0002 Applicant: Damon Marano Subject Property Address1 N. Whittaker 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 Damon Marano, of 1 N. Whittaker, 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, 1 N Whittaker Street current tenant is Pharmacy. Building to be renovated for several future tenants. All appropriate construction permits would be required.

**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 1 N Whittaker Street with any requested stipulations from Planning Commission.

Respectfully submitted,

Ted Hanson Building Official City of New Buffalo

#### 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.

Lan	d Use	Permitted by Right	Special Use
GRC	OCERY, FOOD STUFFS, PHARMACIES AND RELATED USES	5 5	1
1.	Grocery store	×	
2.	Convenience store selling foods, without gasoline sales	×	
3.	Specialty food stores including: meat market, bakery, produce, candy/nuts, and health food store	х	
4.	Bulk food sales (retail)	×	
5.	Pharmacy (without drive-through service)	x	
6.	Pharmacy (with drive-through service)		x
7.	Medical supplies	×	
8.	Liquor sales	×	
AUT	OMOTIVE, GASOLINE, AND MARINE SALES AND SERVICE		
9.	Automotive parts		Х
10.	Marine supplies (not including watercraft sales and service)	x	
11.	Marine supplies (including watercraft sales and service)		х
OFFI	CES		
12.	Executive, professional, and administrative offices	x	
13.	Medical offices, out-patient clinics, and emergency medical center		х
14.	Real estate and insurance	x	
15.	Veterinary office (but not including outdoor kennels, run, or exercise facilities)	х	
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
REST	AURANTS, LOUNGES, BARS, AND PUBS		
19.	Restaurants, cafes, coffee shops and ice cream shops (without drive- through service)	x	
20.	Outdoor seating/service		х
21.	Bars, lounges, or pubs (not including adult entertainment)	х	
GENE	RAL AND SPECIALITY RETAIL AND PERSONAL SERVICES		
22.	Sporting goods (not including recreational vehicle sales and service)	х	
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		х
26.	Stores selling small appliances, computers/software, office equipment, camera/photo supplies, and electronics	х	
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

CINY OF NEW BUFFALO PLANNIN	NG COMMISSION/ ZONING BOARD OF APPEALS APPLICATION
of New Bu Bu Bu Bu Bu Bu Bu Bu Bu Bu	
Contract of the second	PAID
Review Fee Paid P2 2	APR 212021
Escrow Fee Paid	City of New Buffalo
APPLICATION TO: PLANNING COMMI	SSION ZONING BOARD OF APPEALS
224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1	1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917
Instructions: Fill-in all blanks and 'X' applicable boxes <i>I. Applicant and C</i>	DECEIVED
	APR 19 2021
A) Applicant(s) principal contact:	E) Property owner(s) point in the BUFFALO
Name DAMON MARANO	Name ?
Address	
Address	Address
Telephone	Telephone
email	email
B) Applicant(s) secondary contact:	F) Architect (if applicable):
Name N/A	Name WILLIAM MCCOULIM
Address	Address
Telephone	Telephone
email	email
C) Agent or Attorney (if applicable):	G) Engineer (ifapplicable):
Name N/A	Name <u>N/A</u>
Address	Address
Telephone	Telephone
email	email

D) Is the property held in Trust*	H) Applicant is (circle one):
Yes - Answer below (No - Skip below	Property owner
Name of Trust	_ Attorney
Address	_ Agent
	_ Engineer
Telephone	Other:
email	_

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

# Proceed to Next Page

CITY OF NEW BUFFALO	PLANNING COMMISSION/ ZONIN	IG BOARD OF APPEALS APPLICAT
	II. Purpose of Application	
A) This application is a request for the second se second second sec	ne following action:	
Rezoning of Property	Subdivision Approval	Site Plan Approval
Rezoning Amendment	Variance(s) Approval	Special Use Approva
Lot Split – Subdivision or Land Div	vision Other:	
B) The reasons for the requested act	tion(s) are as follows:	
STE MAN ATTION	SL FOR OUT DOOR	DINING.
MITTI ODAODOTI II	11171-	
WILH PROPERTY U	MIT 7.	
) The specific section(s) of the City 2 addresses the amendment, varian	Zoning Ordinance or City General ce, or other action which is being	Ordinances which requested:
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Addresses the amendment, varian	ce, or other action which is being i	requested: quest for a zoning variance: the result of action by an ty: Yes No
Addresses the amendment, varian	ce, or other action which is being i	requested: quest for a zoning variance: the result of action by an ty: Yes No

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CITY OF NEW BUFFALO

#### III. Site and Surrounding Property Information

A) Common address or property location of subject property:

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

D) Parcel Size: \_\_\_\_\_ Square feet \_\_\_\_\_ Acres \_\_\_\_\_ Dimension of lot frontage Dimension of lot depth

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

C) Permanent Real Estate Tax Identification Number:

	Current zoning		Current land use
1. On Site:	CBD		COMMERCIAL.
2. Adjoining property:			
a) North of Site			PARIAME LOT/ COMM.
b) South of Site			PARCINGLOT/ COMM.
c) East of Site	APRIL		COMMERCIAL.
d) West of Site		-	COMMERCIAL + LAPT
F) Describe any existing s	tructures or other impro	vements and phy	vsical attributes of the site:
NO CHANGE	EXCEPT FOR	OUTDOOR	DINING O
DUBYMIKER	51.		~

## IV. Description of the Proposed Development

A) Please describe the p EXISTILE B VENTURE F	roposed us <u>) ILOINA</u> EXIGTM	e of the lar 5 TO 5 PH	nd and/or bu HOVSE RMACY	ilding assur VACIO	- · · A	of the request:
B) What is the proposed	time frame	for the buil	ld-out of this	developme	nt: <u>2021 -</u>	2022
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	$\backslash$					
Two Family R-2						
Mufti-Family R-3		n				
Central Business CBD	1	12,900	12,900	186		
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1		_				
TOTAL	l	12,900*	12.900\$	1360		

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

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## V. Attachments

A) <u>X</u>	Plat of Survey with legal description.
B) <u>X</u>	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) <u>N/A</u>	Floodplain map (engineer's drawing or FEMA map showing location of subject property).
D)	Application fee in the amount of $\underline{350}$ (?)
E) <u>N</u> /A	High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
F) <u>N/A</u>	Application for permits (specify type):
1) Mich	igan DOT
2) Cou	nty Road Commission
3) Coui	nty Health Department
4) State	e Dept. of Public Health
5) Mich	igan DEQ
6) Othe	rs
G)	Sand Dune Permit for Construction (if applicable).
VI. Additio	<b>nal Information</b> - Please describe the reasons this petition should be granted and include nal comments or pertinent information (attach additional pages if necessary):

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION

#### 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. DAMON MRCANC, 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:

Review Date:

D) Notary Public Certification Statement:

Torre Palanéri, Notary Public in and for the State of Michigan this 12 day of APRIL, 2021 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

- TOBRECIAL SEAL TOBRECIAL SEAL TARYORINECI PALANDRI NOTARYMURSEC - STATE OF ILLINOIS MY COMINISSION EXPIRES:04/16/23
- 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.

				Horion Build.
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:	

## THE OFFICE OF WILLIAM O. MCCOLLUM 16109 Red Arrow Highway, P. O. Box 13 Union Pier, MI 49129 (312) 550-7008 <u>bill@mccollumarchitects.com</u>

## April 16, 2021

## Renovation of a Commercial Building Located at 1 North Whittaker, New Buffalo, MI Job Number 2073

## SITE PLAN APPROVAL APPLICATION

We are submitting this package for Site Plan Approval for a renovation of this building. We have included all site-specific information that will be required for this approval. However, until a tenant has been selected, no information is available for the interior layout or for exterior treatments.

The focus of this project will be to gut the entire structure (with the exception of the Pharmacy space) to a create a clean slate to house a restaurant and 2-3 commercial retail spaces on the first floor. The existing pharmacy is to remain and shall retain the existing drive thru window. Although there was previously Scotty's Bar located in the basement, inclusion of this historical space is not included in this application. The basement will be used for storage by the new tenants on the main floor.

The building is **not being expanded and no variances** are being requested. In fact, the size of the building is being reduced.

- 1. The intersection of Whittaker and Buffalo Streets is very congested with pedestrian and vehicular traffic.
- 2. To relieve this condition, we are planning on removing the existing front façade wall and replacing it with a new front wall set back 13'.
- 3. The newly vacated space shall be used for outdoor dining that sets within the property lot lines. *(see sheet A-5 for more detailed information)*

We are **requesting permission for outdoor seating** along Whittaker Street; all of which will be contained within the property lot lines. Owners are no longer requesting seating to be extended into the public way due to the location of the existing planters that inhibit the ability to maintain a 12' clearance. (see A-5)

Onsite **parking** shall be provided by the "shared" parking lots with Barney's Grocery Store and this property. The shared parking lots set on this property and across the street. *(see A-7 for more detail)* 

1. The suggested parking for both facilities is 186 spaces.

2. By combining both lots, the adjacent on-street parking, and the lot across the street, there are a total of 260 spaces. In addition, there are other public parking spaces within the CBD district.

## 19-9 Standards for Site Plan review

We believe that all the requested information has been supplied on these drawings; specifically including:

- A-0 Survey for subject property
- A-1 General Site plan included the shared parking lots
- A-2 Building Site Plan

## A-3 Drainage Design

- a. Existing downspouts with cast iron interceptors extending below grade and connected to a storm water system that is connected to an existing ditch across the street beyond Farina's parking lot.
- b. There have been no previous complaints regarding flooding; therefore, we assume that there are no current issues.
- A-4 First Floor Plan
- A-5 Enlarged 1<sup>st</sup> floor Plan @ Whittaker Street
- A-6 Exterior elevations
- A-7 Parking Plan and calculations
- A-8 3-D renderings

## CONCERNS OF THE PLAN COMMISSION

## **Privacy Provisions**

There are no changes to the existing adjacent buildings being addressed.

The existing trash enclosure will be shared by both adjacent property owners; some minor repairs are needed.

The fence between the neighboring mixed-use building to the North will have to be repaired.

## **Emergency Vehicle Accessibility**

The building is surrounded on all four sides with ample vehicular accessibility. There are no existing issues.

## **Connective Access to Public Streets**

There are over 5 existing driveways in place; no current issues exist.

## **Pedestrian Circulation System**

We are utilizing the existing sidewalks and curbs that are in place. By removing the existing wall facing Whittaker street and a portion of the building, we have visually added an additional 13' setback from the Whittaker St. curb.

## Lighting

There shall be wall mounted exterior lighting above each of the 4 entrances. The parking lot is lit by the existing streetlights.

No new lighting is proposed at this time.

## **Fence Design**

The current fence around the dumpsters shall be shared by both parties. No other future work, except repairs, is to be included at this time.

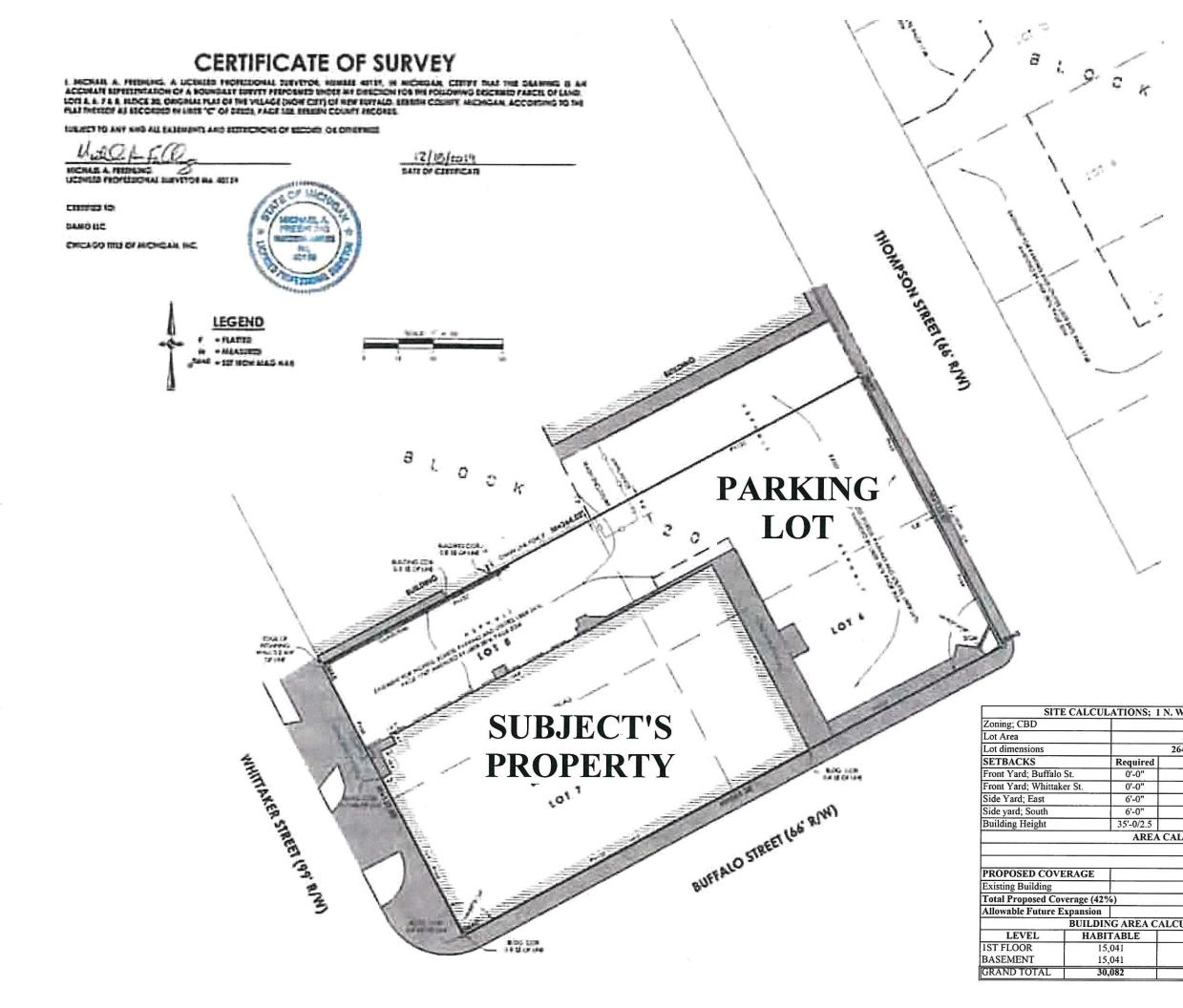
## Landscaping Design;

Space for any landscaping within this property is non-existent. The proposed outdoor seating will have flower boxes.

## Accessibility:

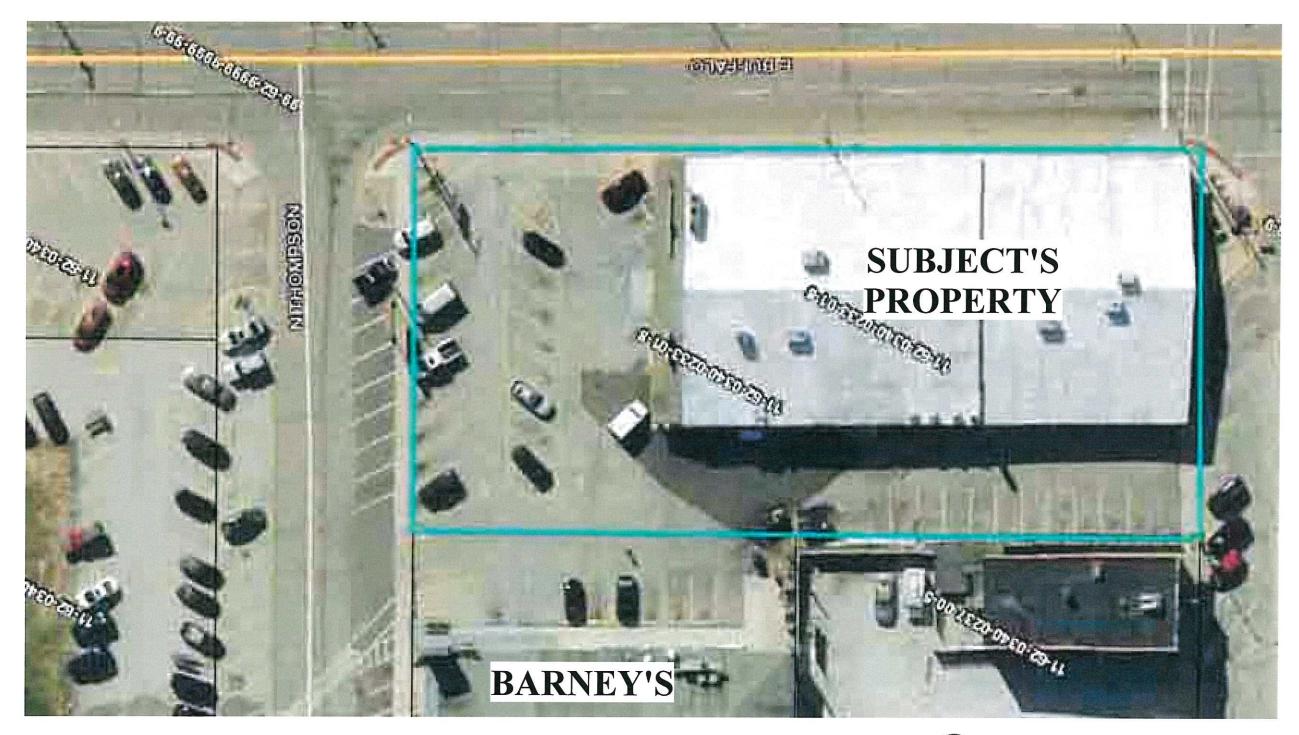
The entire site and entrances to both buildings are accessible and shall remain so.

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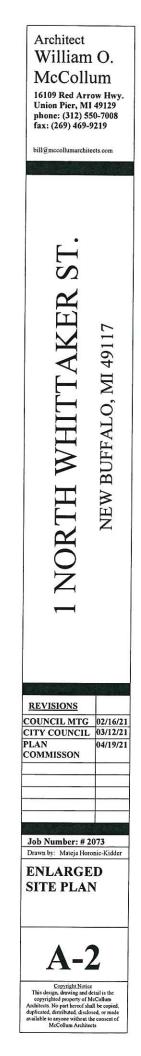
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A-7	PARKING	ANALYSI	S			
A-8	<b>3-D VIEWS</b>					
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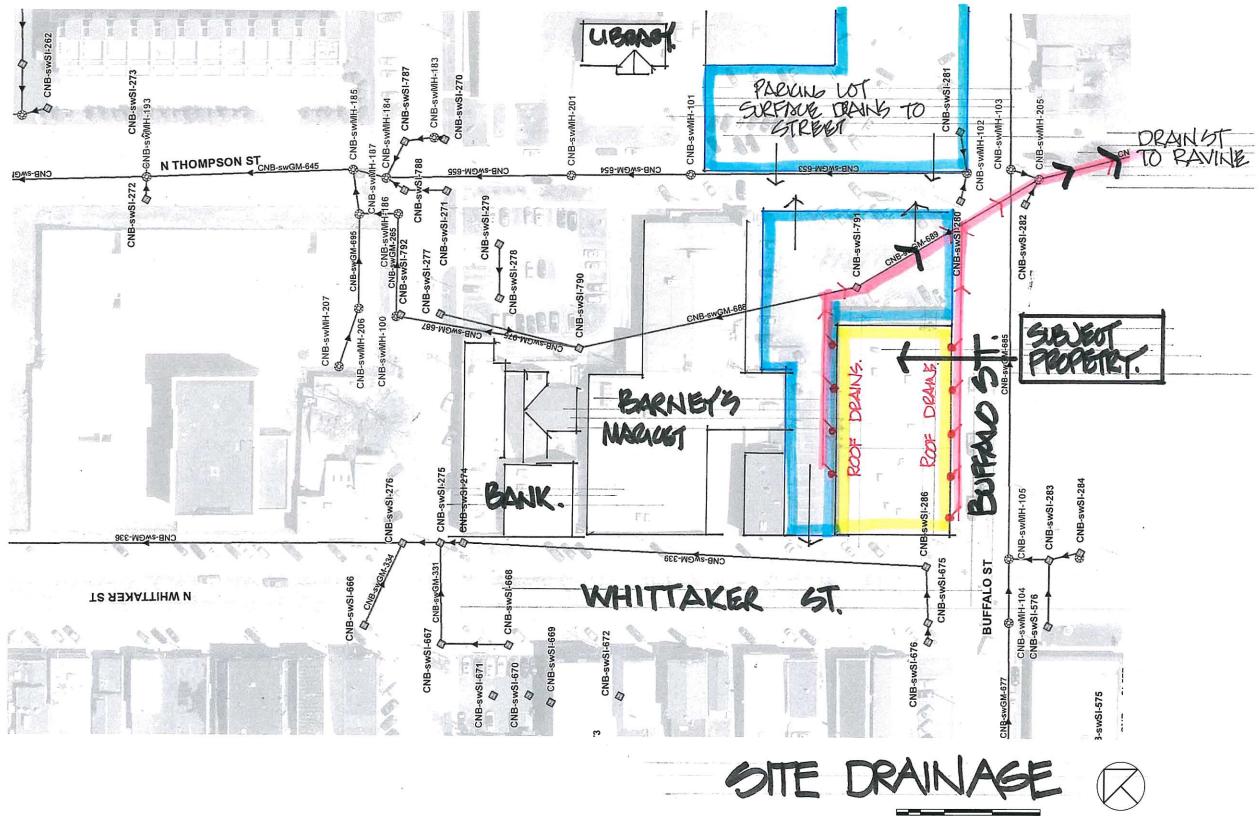






**ENLARGED SITE PLAN** 0' 2' 4' 8' 16' 32'





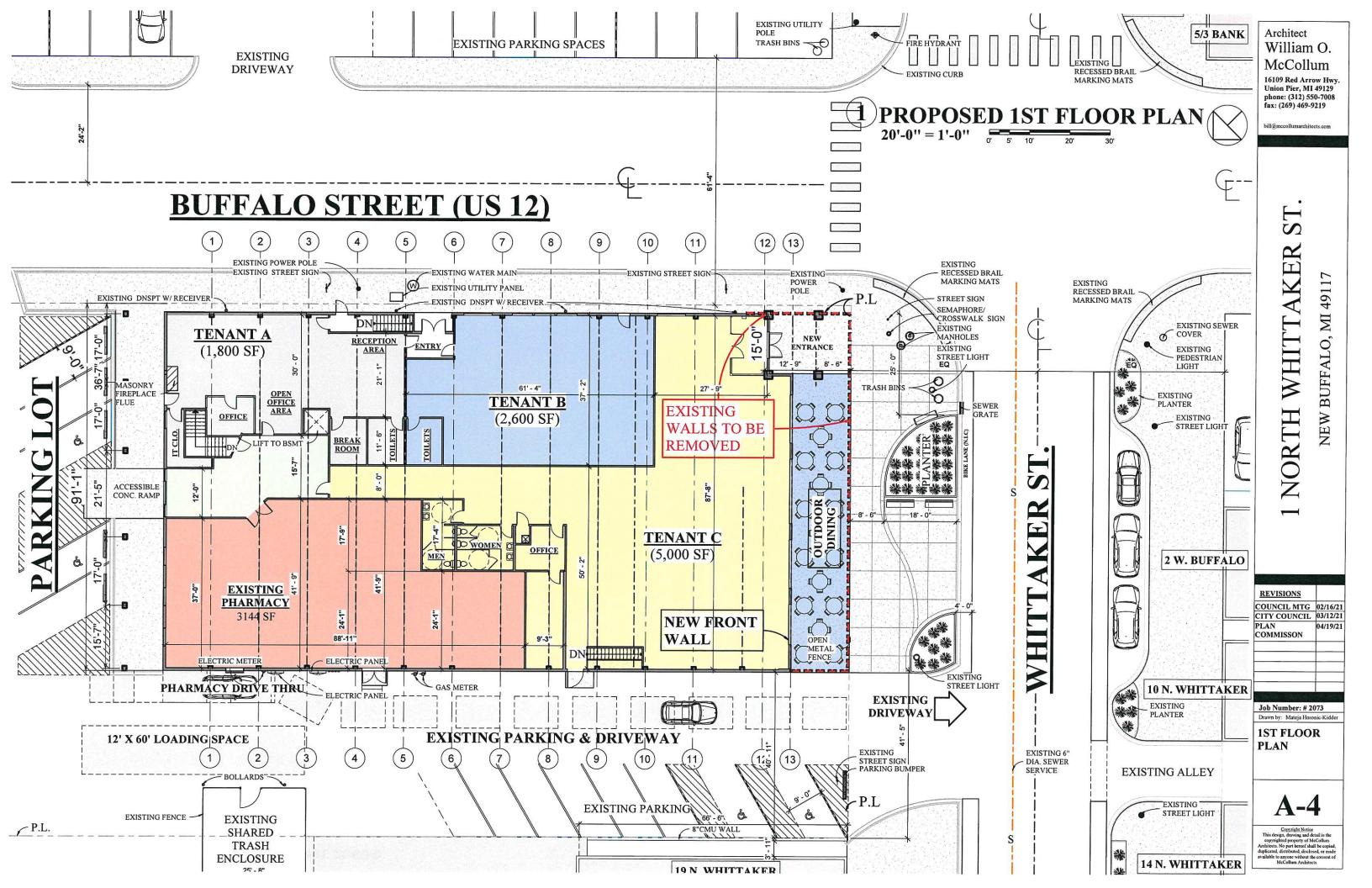
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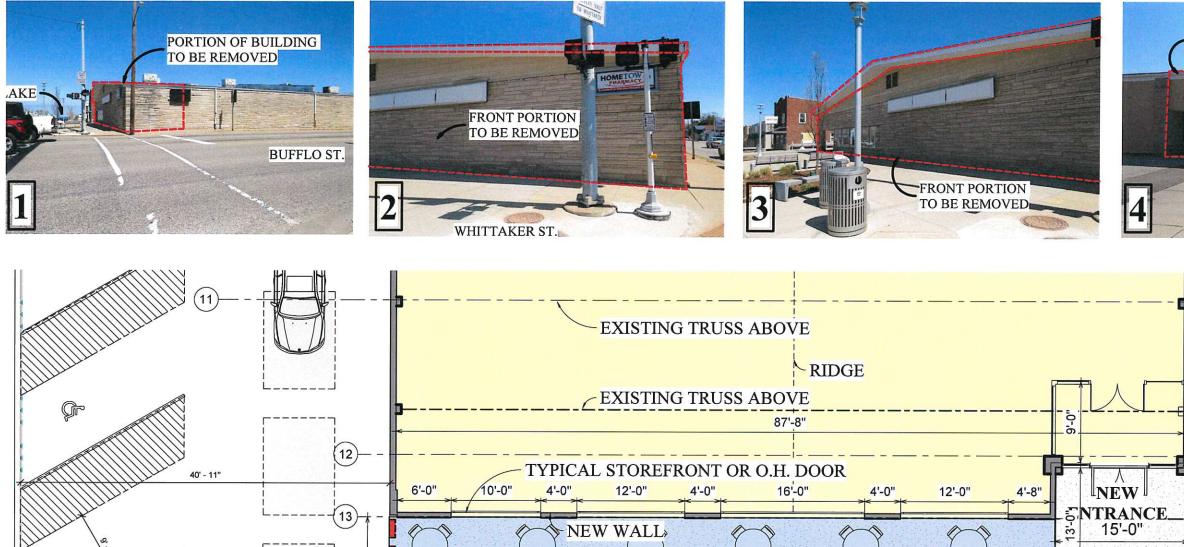
ST **1 NORTH WHITTAKER** NEW BUFFALO, MI 49117 REVISIONS COUNCIL MTG 02/16/21 CITY COUNCIL 03/12/21 PLAN COMMISSON 04/19/21 Job Number: # 2073 Drawn by: Mateja Horonic-Kidder DRAINAGE DESIGN **A-3** Corpright Notice This design, drawing and detail is the copprighted property of McCollum urhiters. No part hereof shall be copied, uplicated, distributed, disclosed, or made vailable to anyone without the consent of McCollum Architects

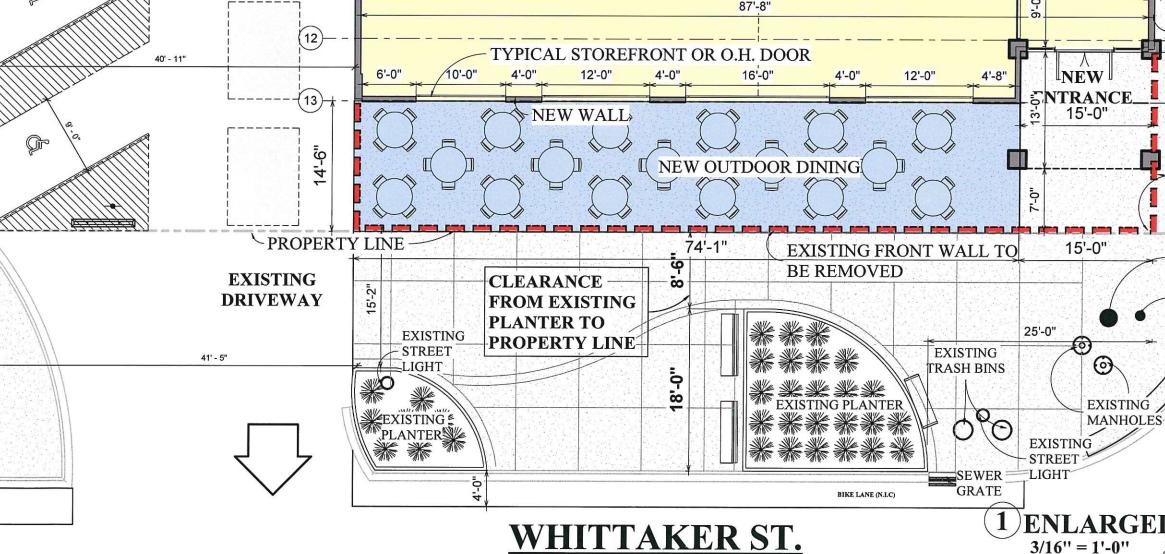
Architect William O. McCollum

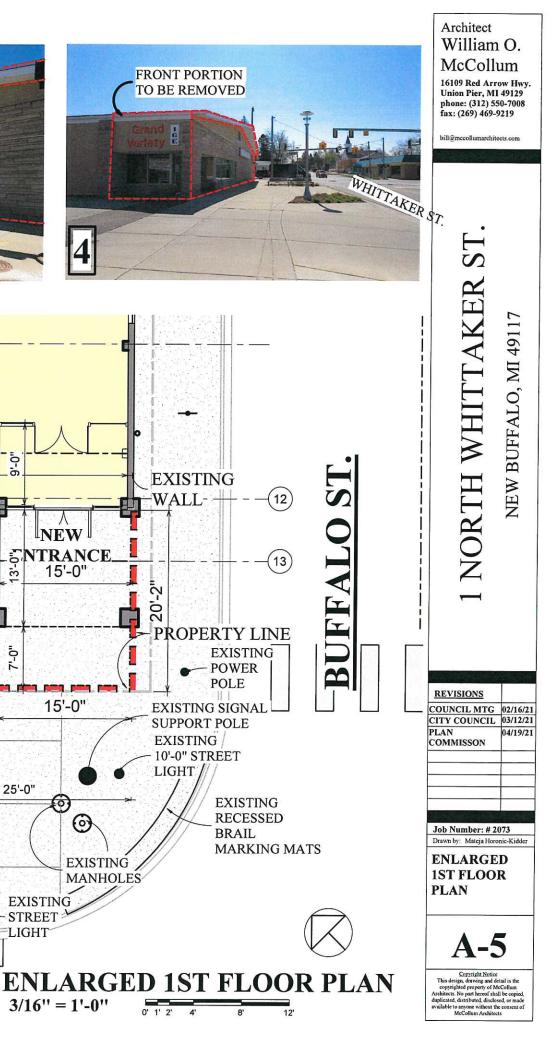
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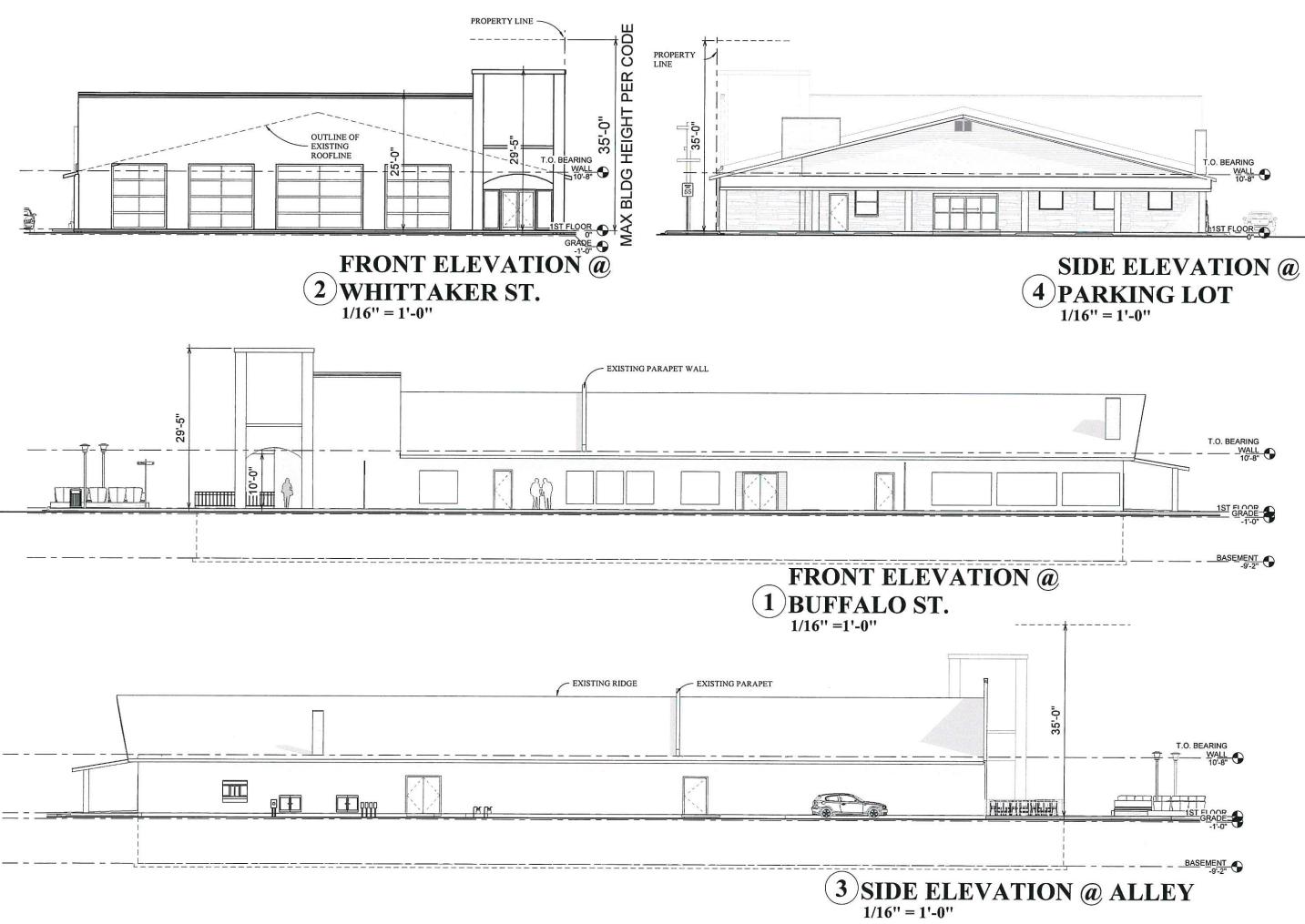
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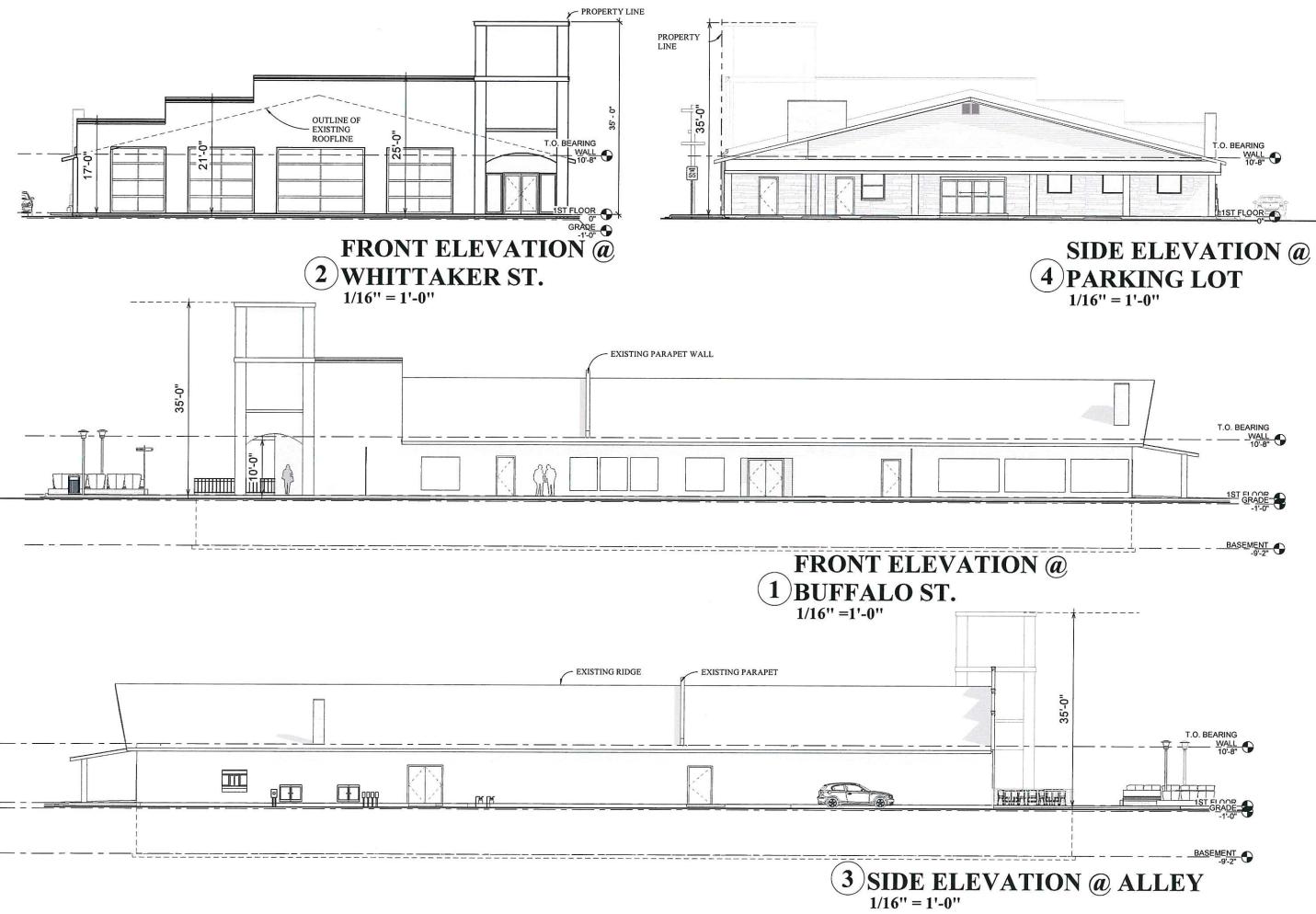


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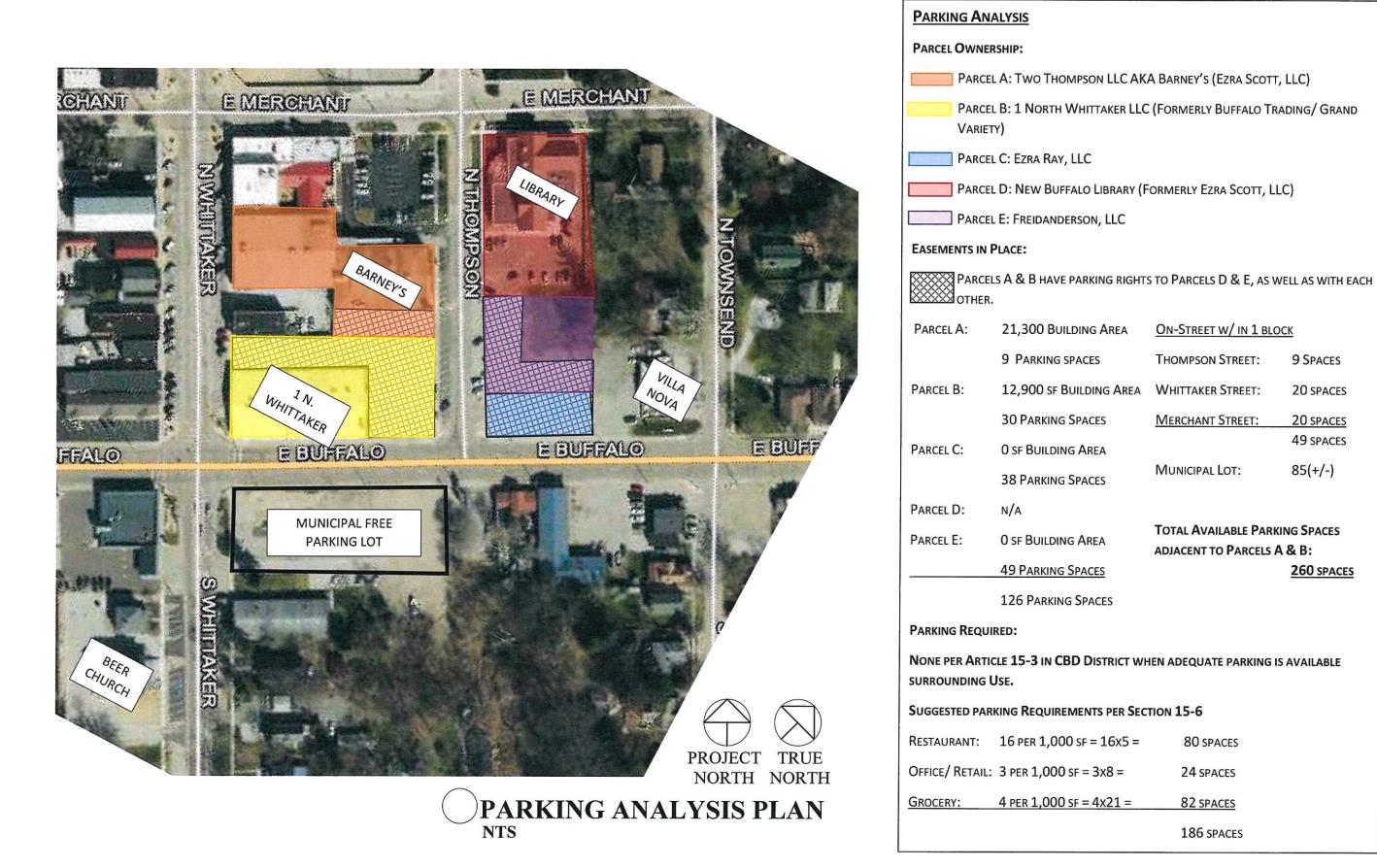
William O.

McCollum





Architect



PARCEL A: TWO THOMPSON LLC AKA BARNEY'S (EZRA SCOTT, LLC)

PARCEL B: 1 NORTH WHITTAKER LLC (FORMERLY BUFFALO TRADING/ GRAND

PARCEL D: NEW BUFFALO LIBRARY (FORMERLY EZRA SCOTT, LLC)

REA	ON-STREET W/ IN 1 BLOCK				
	THOMPSON STREET:	9 Spaces			
AREA	WHITTAKER STREET:	20 SPACES			
	MERCHANT STREET:	20 SPACES			
		49 SPACES			
	MUNICIPAL LOT:	85(+/-)			

TOTAL AVAILABLE PARKING SPACES ADJACENT TO PARCELS A & B: 260 SPACES

5x5 =	80 SPACES

24 SPACES

82 SPACES

186 SPACES

1 NORTH WHITTAKER ST.	NEW BUFFALO, MI 49117
REVISIONS COUNCIL MTG CITY COUNCIL PLAN COMMISSON Job Number: # 2	02/16/21 03/12/21 04/19/21
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