

City of New Buffalo

224 W. Buffalo Street New Buffalo, MI 49117 PLANNING COMMISSION (SPECIAL MEETING) AGENDA March 8, 2022 5:30 P.M.

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Approval of Agenda
- 5. Approval of Previous Minutes- February 1, 2022
- 6. Public Comment
- 7. Unfinished Business
 - a. Discussion regarding zoning for marijuana
- 8. Public Hearing
 - a. 207 N. Whittaker Street Special Use and Site Plan Request for restaurant with an outdoor seating area
- 9. New Business
 - a. Planning Commission Meeting Time
- 11. Commissioner Comments
- 12. Adjournment

The Special Meeting for February 1, 2022 of the New Buffalo City Planning Commission was called to order by Chair Billingslea at 5:33 p.m.

Pledge of Allegiance.

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

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

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

Voice Vote, Motion Carried.

Approval of Previous Minutes: November 16, 2021:

Motion by Joseph, seconded by McCollum to approve November 16, 2021 meeting minutes.

Voice Vote, Motion Carried.

Public Comment: None

Public Hearing

Public Hearing on marijuana establishments in the City of New Buffalo was opened by Chair Billingslea at 5:35 pm.

Input on marijuana establishments in the City of New Buffalo

City Attorney, Nick Curcio gave a presentation regarding Marijuana Business Regulation.

Public Comment:

Roger Barbour

Tom Farrell

Joe Glusak

Tracy Glusak

Sean Callahan

Jamie Cooper

Chuck Heit

Peter Bobeck

Ann Schultz

Public Hearing on marijuana establishments in the City of New Buffalo was closed by Chair Billingslea at 6:15 p.m.

New Business

Year End Report

City Manager Watson informed the Planning Commission that the Planning Commission needs

to complete a year-end report for the City Council.	that the Planning Commission needs
Adjournment: Motion by Rau seconded by McCollum to a	djourn the meeting at 6:25 p.m.
Voice Vote	
Motion Carried.	
af	
Paul Billingslee Chair	Amy Fidler City Clark
Paul Billingslea, Chair	Amy Fidler, City Clerk



City of New Buffalo

Special Use Permit Staff Report

Hearing Date: Tuesday March 8th 5:30 pm

Project Number: PZ21-0010 (Special Use) & PZ21-0011(Site Plan)

Applicant: Benjamin Holland

Subject Property Address: 207 N. Whittaker Street, New Buffalo, MI 49117

Nature of the Request: Special Use & Site Plan request for Restaurant with outdoor seating

area.

Zoning District: CBD "Central Business District"

OVERVIEW

The applicant is Benjamin Holland, of 207 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, 207 N. Whittaker Street is a former, "Subway Location" and is now under new ownership and a new site plan is being proposed for a new eating establishment called "Birdies". All appropriate applications and documents have been submitted and a site plan variance for set-back requirements was approved by the Zoning Board of Appeals on January 20, 2022.

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 that all the appropriate and required information has been provided to Planning Commission to render an informed decision.

Respectfully submitted,

Ted Hanson Building Official City of New Buffalo

CITY OF NEW BUFFALO

pecial Use Application

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



Project Name 207 N. Whitaker	"Birdies"
Project Number PZ 21- 0010	
Review Fee Paid \$500 12-8-21	
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.

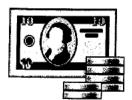
I. Applicant and Owner Information

A) Applicant(s) principal contact:		E) Property owner(s) principal contact:		
Name	Benjamin Holland	Name	Benjamin Holland	
Address		Address		
Telephone		Telephone		
email		email		
B) Applicar	nt(s) secondary contact:	F) Architect	(if applicable):	
Name	Julie Fisher Rosenthal	Name	Julie Rosenthal - FC Studio Inc.	
Address		Address		
Talankana				
Telephone email		Telephone email		
oman		eman		
C) Agent or	Attorney (if applicable):	G) Engineer	(ifapplicable):	
Name		Name	Derk Walkotten - Abonmarche	
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: Architect		
email			
* Trusts: Provide an attached statement from the truste	e verifying the names of all the beneficial owners.		

Proceed to Next Page





City of New Buffalo

224 W Buffalo St

New Buffalo, MI 49117

Ph: (269) 469-1500 Fax: (269) 469-7917

Bright Pearl LLC



12/08/2021

Type Rec	ord	Category	Description		Amount
Permit PZ2	1-0010	Standard Item	Special Use - Com	mercial	\$ 500.00
Baller Hally					
				Total	\$ 500.00
				Cash	
				Check	\$ 500.00
				Credit	
			Tr	ansferred	-
				endered :	\$ 500.00
				Change	\$ 0.00
			To Over	payment	\$ 0.00

II. Purpose of Application

 A) This application is a request for the following. 	owing 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) - Per Article 10, Section 10-2 - a Specia		for restaurants and bars
with outdoor seating.		
C) The specific section(s) of the City Zoning addresses the amendment, variance, or *Article 10, Section 10-2 (Permitted Use	other action which is being	Ordinances which requested:
		·
D) The following two questions are only for ap		202
 Are the conditions which prevent the individual who has or had a property 	development of the property interest in the subject prope	y the result of action by an rty: Yes No
2. If the conditions were self-imposed (r	ot hardship), explain why th	e variance should be granted:

III. Site and Surrounding Property Information

	or property location of sub		
207 N Whittaker Str	reet, New Buffalo, MI 49	117	4)
	(attach an additional sheet		of New Buffalo, City of New Buffalo
			of New Buffalo, City of New Buffalo, April 28, 1835, in Volume C of
-	g Southeasterly of the Amt		
Deed, Page 105, lying	g Southeasterly of the Ami	rack Namoad right C	n way.
			wan-ra Grave
C) Permanent Real E	State Tax Identification Nu	mber: <u>62-0340-00</u>)43-01-4
		Square feet	
.25		Acres	
10		Dimension of lot from	ntage
99		Dimension of lot dep	oth
E) What are the curre	ent land uses and zoning o	n the property and t	ne adjoining properties:
	Current zoning		Current land use
1. On Site:	Central Business D	District	Restaurant/ Office
Adjoining prope	ertv:		
a) North of Site	Control Pusings F	District	Offices
b) South of Sit	Control Business F	Central Business District Offices/ Retail	
c) East of Site	Control Business F	Central Business District Recreation	
d) West of Site	Central Business District Misc. (Residential Dwelli		Misc. (Residential Dwelling)
u,		,	
	ting structures or other imp		
			o existing curb cuts, and seven
			he rear property line to the
rear wall of the exist	ting structure. There is a	1' setback from the	ne side property line to the
existing West wall o	of the existing structure.		

IV. Description of the Proposed Development

A) Please describe the proposed use of the land and/or building assuming approval of the request: The unbuilt area of the property will be developed into an outdoor patio consisting of; an
outdoor bar and toilet rooms, outdoor seating, (4) new trellis structures, new planters and
landscaping, a performance area, new paving, (2) new exterior coolers, and a loading zone.

- B) What is the proposed time frame for the build-out of this development: Spring 2021 Fall 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						
Mufti-Family R-3						
Central Business CBD	2	1):3,685 (2):327	(1):4,329 (2):327	*75	2" (Proposed)	4" (Existing)
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1						
TOTAL	2	4,012	4,656	*75	2" (Proposed)	4" (Existing)

*Exemption being requested for required parking spaces per Article 15, Section 15-3.4

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

) Average daily traffic count for the proposed development:
Peak traffic flow count for the proposed development:
How many lineal feet of roadway is proposed to be developed:
How many cul-de-sacs will be constructed as part of this project:
How many curb cuts to City, County or State roads are proposed:
No Yes – describe the type and quantity of materials (attach extra pages if necessary):
3

V. Attachments

A) X Plat of Survey with legal description. (See Exhibit A, Attached)
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) X Floodplain map (engineer's drawing or FEMA map showing location of subject property).
D) X Application fee in the amount of \$500 (Sent Via Mail).
E) N/A High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
F) N/A 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): By permitting outdoor seating and an outdoor bar structure, an accessible and prominent
corner of downtown will be newly activated. The proposed design will provide New Buffalo
with additional outdoor space, additional seating capacity for families and groups and the
creation of new jobs.
The patio has been designed as an easily accessible space where programming and events
can be enjoyed year round. Particular activations of the space include; live music, a take out
window, a structure to house patron toilets and an outdoor bar and the ability to hold larger
gatherings.
The patio will be landscaped with native plantings. Pervious brick pavers will replace the
existing bituminous asphalt lot, allowing for increased site permeability as the site parking
currently drains onto E. Mechanic St.

VII. Signature and Declaratory Statement

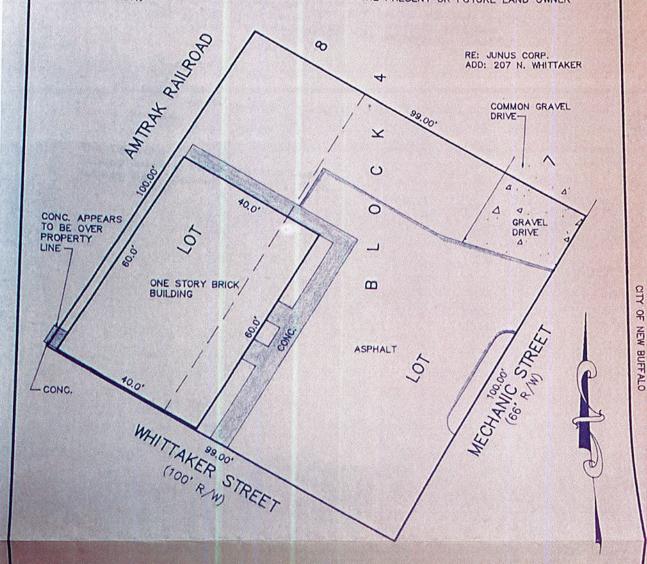
Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and

					or designee of the applicant to appear anning Commission or ZBA.				
B)	further, I acknowledge of the furthermore grant of the furthermore gran	Rosenthal accompany wledge the reant permissi	equired atter on for identi	ndance of the ap fied members of	tify that all information contained in this d correct to the best of my knowledge and plicant as set forth in paragraph A above. the City of New Buffalo's Planning s) referenced in this application.				
C)	Applicant Signa	iture:		-	Date:				
D)	D) Notary Public Certification Statement:								
	l,			, Notary Pub	lic in and for the State of Michigan this				
		day	of		the above captioned applicant				
	appeared before	e me and un	der oath, sta	ted that all matte	ers contained in this application are true.				
A)	Fire Departmen	t approval of	<i>VIII.</i> Site and Bu	City Staff Revi	ew ept for single family dwellings: This wed by the Fire Chief or his designee,				
	which can be ar								
					Review Date:				
	Approval:	Yes	No	Signature:					
	Conditions:	Attached	None	Title:					
	where the follow	ing signature	es are requir	ed for verification	n the Office of the Zoning Administrator, n that this is a complete and valid n or the Zoning Board of Appeals.				
Bui	ding Inspector:				Date:				
Zon	ing Administrato	or:			Date:				
	al meeting date:								

MORTGAGEE'S INSPECTION

I HEREBY CERTIFY TO ALLIANCE BANK
THAT I HAVE EXAMINED THE PREMISES DESCRIBED BELOW AND THAT THE EXISTING BUILDINGS
IN CONNECTION WITH A NEW MORTGAGE AND IS NOT INTENDED OR REPRESENTED TO BE A LAND
OR PROPERTY LINE SURVEY: THAT NO PROPERTY CORNERS WERE SET; THAT IT IS NOT TO BE USED,
LINES. NO RESPONSIBILITY IS EXTENDED HEREWITH TO THE PRESENT OR FUTURE LAND OWNER
OR OCCUPANT.



THE SOUTHWESTERLY 100.00 FEET OF LOTS 7 AND 8, BLOCK 4, VILLAGE PLAT OF NEW BUFFALO, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 28, 1835 IN VOLUME "C" OF DEEDS PAGE 105, LYING SOUTHEASTERLY OF THE AMTRAK RAILROAD RIGHT OF WAY; CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN.

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

EXHIBIT A

FOR: NEW BUFFALO REALTY
DATE: 8/12/95 (950916)

SCALE: 1" = 20'
DRAWN BY: AIR

CHECKED BY: 44



MICHAEL A. FREEHLING ES 40159

MGHTMAN & ASSOCIATES, INC.

920 BROAD STREET

ST. JOSEPH, MICHIGAN 49085

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



Project Name 207 N. Whitlaker	"Birdies"
Project Number 7221-0011	
Review Fee Paid 350 12-8-21	
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) Applica	ant(s) principal contact:	E) Property	owner(s) principal contact:
Name	Benjamin Holland	Name	Benjamin Holland
Address		Address	
Telephone		Telephone	
email		email	
B) Applica	nt(s) secondary contact:	F) Architect	(if applicable):
Name	Julie Fisher Rosenthal	Name	Julie Rosenthal- FC Studio Inc.
Address		Address	
Telephone		Telephone	
email		email	
0 4	No. 1 and 1		
C) Agent or	Attorney (if applicable):	G) Engineer	(ifapplicable):
Name		Name	Derk Walkotten - Abonmarche
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: Architect
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

224 W Buffalo St

New Buffalo, MI 49117

Ph: (269) 469-1500 Fax: (269) 469-7917

Bright Pearl LLC



12/08/2021

Туре	Record	Category	Description	Amount
Permit	PZ21-0011	Standard Item	Site Plan	\$ 350.00

Cash

Check \$ 350.00

Credit

Transferred

\$ 350.00 Tendered

\$ 0.00 Change

To Overpayment \$ 0.00

II. Purpose of Application

A) This application is a request for the following	wing 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) A site plan review is required in accorda		permitted uses in the Central
Business District.		
Specific approvals are being requested	for the following;	
- Accessory Structure (Outdoor Bar & T	oilets) set back less than	6' from the front lot line.
- Existing rear setback is 3'.		
- Existing side setback is 1'		
- Allowance for the off-street parking red	uirement to be met throu	igh existing community
parking lots.		
 C) The specific section(s) of the City Zoning addresses the amendment, variance, or *Article 10, Section 10-3 (Site Developm *Article 3, Section 3-2 (Accessory Buildin *Article 15, Section 15-3.4 (General Registration) 	other action which is being nent Requirements) ng Structures and Uses)	requested:
The following two questions are only for ap		
 Are the conditions which prevent the conditions individual who has or had a property in 	levelopment of the property nterest in the subject proper	the result of action by an rty: Yes No
If the conditions were self-imposed (no)	ot hardship), explain why th	e variance should be granted:

existing West wall of the existing structure.

III. Site and Surrounding Property Information

		erty location of subject prope w Buffalo, MI 49117	erty:		
A					
		n additional sheet if necessa of Lots 7 and 8. Block 4. Villa	ary): age Plat of New Buffalo, City of New Buffalo		
			recorded April 28, 1835, in Volume C of		
		easterly of the Amtrack Rail			
		•	3		
Same of the same o					
C) Permanent R	eal Estate Tax	x Identification Number: 62-	0340-0043-01-4		
D) Parcel Size:	9,900	Square fee	4		
b) i dicci cize.	.25	Acres	_ Square feet		
	100'	22.5 34.5	CONTRACTOR AND		
	99'		Dimension of lot frontageDimension of lot depth		
		Dimension	or lot depth		
E) What are the	current land us	ses and zoning on the prope	rty and the adjoining properties:		
	Cur	rent zoning	Current land use		
1. On Site:	Cer	ntral Business District	Restaurant/ Office		
2. Adjoining	oroperty:				
a) North o	_	ntral Business District	Offices		
b) South of	of Site Cer	ntral Business District	Offices/ Retail		
c) East of	Site Cer	ntral Business District	Recreation		
d) West of		ntral Business District	Misc. (Residential Dwelling)		
Describe any	vieting struct	uros or other impresses at	and physical attails at a filter site.		
			and physical attributes of the site: ture, two existing curb cuts, and seven		
			k from the rear property line to the		
			from the side property line to the		

IV. Description of the Proposed Development

and plumbing work, and new toile	et rooms. The p	roposed addition	on connected to	the existing stru	ucture will include ne	ew kitchen equipmer
new mechanical, electrical and pl	umbing work, n	ew BOH stora	ge, new stair and	d mezzanine le	vel. The proposed o	utdoor bar will be a
free-standing 1-story building cor	nsisting of new l	kitchen equipm	ent, new mechai	nical, electrical	and plumbing work,	and new toilet room
(3) new parallel parking spots will B) What is the proposed		17			nt: Spring 202	1 - Fall 2021
C) For each intended use total square footage o the number and size of	f the develo	opment, an	d the require	d number o		
Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1						
Two Family R-2						
Mufti-Family R-3						
Central Business CBD	2	(1):3,685 (2):327	(1):4,329 (2):327	*75	2" (Proposed)	4" (Existing)
Gen. Commercial GCD						
Waterfront Marina WM						
General Industrial I-1			4.050	4	OII (D. 1)	411 /E. d. 41:
TOTAL *Exemption being requested f	2	4,012	4,656	*75	30 25 25	4" (Existing)
 If this application is for and the proposed road Average daily traffi Peak traffic flow co How many lineal fe How many cul-de-s 	r a developed configurated count for the eet of roadwassacs will be	ment please ion it will hat the proposed day is proposed constructe	e provide infave: ed development: evelopment: osed to be de	ormation conent: eveloped: this project:	oncerning the a	
5) How many curb cu E) Does the request cont No Yes – de	emplated in	this applic	ation conce	rn any haza		s:

V. Attachments

A) X Plat of Survey with legal description. (See Exhibit A, Attached)
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 location and illumination pattern, building facade portrait and building size and location dimension
C) X Floodplain map (engineer's drawing or FEMA map showing location of subject property).
D) X Application fee in the amount of \$\frac{350 (Sent Via Mail)}{2}.
E) N/A High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).
F) N/A 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 includany additional comments or pertinent information (attach additional pages if necessary): The proposed addition (which will sit beyond the required rear and side yard setbacks) accommodates the
required kitchen and storage square footage needed to allow for the proper functioning of the restaurant and
required kitchen and storage square footage needed to allow for the proper functioning of the restaurant and planned outdoor seating.
planned outdoor seating.
planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The
planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rai
planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rai pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented much of the site would be unusable especially considering the negative impact the Amtrak rail has on the site
planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rai pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented.
planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rai pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented much of the site would be unusable especially considering the negative impact the Amtrak rail has on the site Regarding the side yard setback requirements; the proposed design of the addition and exterior cooler reduce
Planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rail pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented much of the site would be unusable especially considering the negative impact the Amtrak rail has on the site Regarding the side yard setback requirements; the proposed design of the addition and exterior cooler reduce the existing east side yard setback from 39' to 1'. This side of the property abuts an undeveloped parcel of land
Planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rail pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented much of the site would be unusable especially considering the negative impact the Amtrak rail has on the site Regarding the side yard setback requirements; the proposed design of the addition and exterior cooler reduce the existing east side yard setback from 39' to 1'. This side of the property abuts an undeveloped parcel of land Regarding the parking requirements; by allowing permission for the off-street parking requirement to be me
Planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rai pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented much of the site would be unusable especially considering the negative impact the Amtrak rail has on the site Regarding the side yard setback requirements; the proposed design of the addition and exterior cooler reduce the existing east side yard setback from 39' to 1'. This side of the property abuts an undeveloped parcel of land Regarding the parking requirements; by allowing permission for the off-street parking requirement to be methrough existing community parking. The current parking area on site can be used to better accommodate other
Planned outdoor seating. Regarding the rear setback requirements; the proposed design does not change the existing rear setback. The proposed addition continues along the existing 3' rear setback. As the rear property line abuts the Amtrak rai pedestrian and vehicle traffic will not be impacted. If the 25' rear setback guideline were to be implemented much of the site would be unusable especially considering the negative impact the Amtrak rail has on the site Regarding the side yard setback requirements; the proposed design of the addition and exterior cooler reduce the existing east side yard setback from 39' to 1'. This side of the property abuts an undeveloped parcel of land Regarding the parking requirements; by allowing permission for the off-street parking requirement to be methrough existing community parking. The current parking area on site can be used to better accommodate other programming for residents and visitors such as exterior seating and an easily accessible event space that with the property and the parking area on site can be used to be the property space that with the programming for residents and visitors such as exterior seating and an easily accessible event space that with the property and the parking area on site can be used to be the property space that with the property and the parking area on site can be used to be the property space that with the property and the parking area on site can be used to be the property and the property

VII. Signature and Declaratory Statement

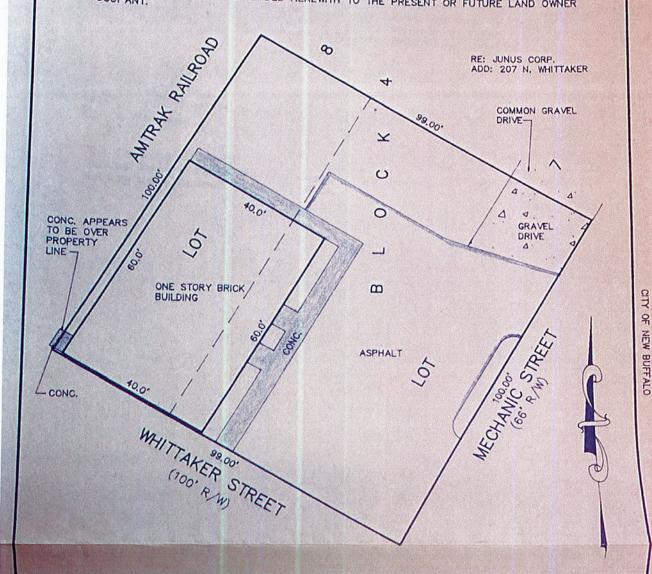
Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and

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: Julie Fisher Rosenthal _____, 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: ____ 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:

MORTGAGEE'S INSPECTION

I HEREBY CERTIFY TO __ALLIANCE BANK
THAT I HAVE EXAMINED THE PREMISES DESCRIBED BELOW AND THAT THE EXISTING BUILDINGS
ARE LOCATED AS SHOWN HEREON. THAT THIS EXAMINATION WAS PREPARED FOR THE MORTGAGEE
IN CONNECTION WITH A NEW MORTGAGE AND IS NOT INTENDED OR REPRESENTED TO BE A LAND
OR PROPERTY LINE SURVEY; THAT NO PROPERTY CORNERS WERE SET; THAT IT IS NOT TO BE USED,
UNES. NO RESPONSIBILITY IS EXTENDED HEREWITH TO THE PRESENT OR FUTURE LAND OWNER
OR OCCUPANT. HEREBY CERTIFY TO



THE SOUTHWESTERLY 100.00 FEET OF LOTS 7 AND 8, BLOCK 4, VILLAGE PLAT OF NEW BUFFALO, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 28, 1835 IN VOLUME "C" OF DEEDS PAGE 105, LYING SOUTHEASTERLY OF THE AMTRAK RAILROAD RIGHT OF WAY; CITY OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN.

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

EXHIBIT A

FOR: NEW BUFFALO REALTY

(950916)

DATE: 8/12/95 SCALE: 1° = 20'

DRAWN BY: AIR

CHECKED BY: 64 PMAR



MICHAEL A. FREEHLING PSZ 40159

MIGHTMAN & ASSOCIATES, INC.

920 BROAD STREET

49085 ST. JOSEPH, MICHIGAN

Sitz Pan Docs.

BIRDIES

207 N WHITTAKER ST, NEW BUFFALO, MI 49117



ARCHITECT

fc STUDIO inc

2545 W DIVERSEY AVE STE. 236 Chicago, IL 60647 (T) 312-850-0850

FOOD SERVICE

Trimark

6100 W 73rd ST BEDFORD PARK, IL 60638 (T) 708-496-1700

trimarkusa.com

ENGINEERS

Abonmarche

95 W MAIN ST BENTON HARBOR, MI 49022 (T) 269-927-2295 OWNER

Benjamin Holland

abonmarche.com

ARCHITECT: JULIE FISHER ROSENTHAL

2545 W DIVERSEY AVE STE. 236 Chicago, IL 60647 (T) 312-850-0850

fcstudioinc.com







3 EXTERIOR RENDERING - SOUTHWEST CORNER A400 N.T.S



2 EXTERIOR RENDERING - SOUTHEAST CORNER (A400) N.T.S



1 EXTERIOR RENDERING - NORTHWEST CORNER N.T.S

FC	west 4		-
ST	17-14		
UD IO	FC STUDIOINC, 2545 W. Dwessey Ar Chicago, E. 60547 312,600,0600	re, Suite 236	

BIRDIES

207 N WHITTAKER ST, NEW
BUFFALO, MI 49117

No. Super report

EXTERIOR R	NO.	DATE	ISSUE:	Priority descriptions	
DATE: 12/09/21 REVISION:					
DRAWN BY:	PRINT SIZE: 36X24				A400





4 EXTERIOR RENDERING - SOUTH FACADE A401 N.T.S



2 EXTERIOR RENDERING - OUTDOOR PATIO A401 N.T.S 3 EXTERIOR RENDERING - OUTDOOR BAR A401 N.T.S



 $\stackrel{\text{\scriptsize 1}}{\underset{\text{\scriptsize (A401)}}{\text{\scriptsize EXTERIOR RENDERING}}}$ - OUTDOOR BAR SEATING N.T.S

F C ST STUDENCE 226 N. Chemina fam. Suite 226 Chemina fam. Suite 226

BIRDIES

207 N WHITTAKER ST, NEW
BUFFALO, MI 49117

NO. AUE ROVEN AND A EXTERIOR RENDERINGS

NO. DATE ISSUE:

DATE: 120021 REVISION:

DRAWN BY: PRINT SIZE: 36X24

A401







2 INTERIOR RENDERING N.T.S



3 INTERIOR RENDERING (A402) N.T.S



1 INTERIOR RENDERING
A402 N.T.S



BIRDIES

207 N WHITTAKER ST, NEW
BUFFALO, MI 49117

MK. Own

INTERIOR RE	NO.	DATE	ISSUE:	PHOS PHORE INSOPTIONS	
DATE: 12/03/21	REVISION:				A 400
DRAWN BY:	PRINT SIZE: 36X24				A402

BIRDIES

207 N WHITTAKER ST, NEW BUFFALO, MI 49117



A 3

DESCRIPTION OF WORK

INTERIOR BUILD-OUT OF EXISTING STRUCTURE INCLUDI INTERIOR BULLDOUT OF ENSITING STRUCTURE INCLUDION NEW INTERIOR AND EXTERIOR PRINSHES, NEW INTOHEN EQUIPMENT, NEW MECHANICAL, ELECTRICAL AND PLUMBING WORK, AND NEW TOLET ROOMS, NEW ADDITION OCNNECTED TO EXISTING STRUCTURE INCLUDING NEW HITCHICA AND EXTERIOR FRANSHESS, NEW MITCHEN PURPOKE AND EXTERIOR FRANSHESS, NEW MITCHEN AND NEW MECHANICAL PRINSHESS, NEW SON STORAGE, NEW ANALY AND NEW MECHANICAL PRINSHESS, NEW SON STORAGE, NEW ANALY AND NEW MECHANICAL PRINSHES, NEW MITCHEN COUNTRICK AND NEW TOLET PRINSHES, NEW MITCHEN COUNTRICK AND NEW TOLET PRINSHES, NEW MITCHEN COUCLESS, NEW EXTERIOR CURB CUTS.

GENERAL NOTES

- 1. GC TO VERIFY IN FIELD ALL DIMENSIONS. CO TO VERRY IN FIELD ALL DIMENSIONS,
 ALL INTERIOR FINISHES TO BE CLASS 1/ALL FLOOR
 COVERINGS TO BE CLASS A.
 EGRESS DOORS SHALL NOT HAVE KEYED LOCKS ON
 THE INTERIOR SIDE UNLESS NOTED OTHERWISE.
 ALL EXISTING STRUCTURAL ELEMENTS AND RELATED
 FIRE RATED CONSTRUCTION TO REMAIN.

ZONIN	SNOTES
OCCUPANCY	ASSEMBLY GROUP A-2
ZONING DISTRICT	CENTRAL BUSINESS DISTRICT
TENANT LEASED AREA	4656 SF
LOT AREA	9900 SF
TOTAL BUILDING AREA	4656 SF
BUILDING HEIGHT / NUMBER OF FLOORS	22" / 2 FLOORS
OFF STREET LOADING	1 SPACE
OFF STREET PARKING	3 SPACES - 90 COMMUNAL SPACES WITHIN 300' OF PROPERTY LINE

CONSTRUCTION	TYPE & BUILDING CODES
BUILDING CLASS	V-B
BUILDING CODE	MICHIGAN BUILDING CODE 2015
PLUMBING CODE	MICHIGAN PLUMBING CODE 2015
MECHANICAL CODE	MICHIGAN MECHANICAL CODE 2015
ELECTRICAL CODE	NATIONAL ELECTRIC CODE 2017
ENERGY CODE	ASHRAE 90.1 COMMERCIAL ENERGY CODE
ACCESSIBILITY CODE	MICHIGAN BUILDING CODE 2015, ICC/ ANSI A117,1 2009

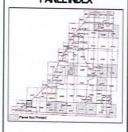
DRAWING INDEX

- G000 COVERSHEET
- G001 PROJECT INFORMATION G003 FEMA FLOODPLAIN MAP
- G004 COMMUNAL PARKING COUNT DIAGRAM
- D100 DEMOLITION PLAN
- A000 EXISTING SITE PLAN A001 PROPOSED SITE PLAN
- A003 SITE LIGHTING PLAN
- A101 PRST FLOOR ARCHITECTURAL PLAN A102 MEZZANINE FLOOR PLAN A300 EXTERIOR ELEVATIONS
- A301 EXTERIOR ELEVATIONS
- A302 EXTERIOR ELEVATIONS A303 EXTERIOR ELEVATIONS
- A304 EXTERIOR ELEVATIONS
- A400 EXTERIOR RENDERINGS
- A401 EXTERIOR RENDERINGS
- A402 INTERIOR RENDERINGS

BIRDIES UD Scriptorus		MA. And Street & Digitions.	PROJECT INF	FORMATION	NO.	DATE	ISSUE:	740	M. Presect descriptions.
			DATE: 12/03/21 REVISION:					-	0004
10	BOFFALO, MI 4911/		DRAWN BY:	PRINT SIZE: 36X24				(G001



PANEL INDEX





LEGEND

MECHANISM ARES IN SOME AS

The fragment is the channel of a strain place are independent parts that must be found in channel of accordance, as that the place channel channel does can be carried without independent or the carried without independent of t Order Commence

See feet Section, that make you of store

CONT, STREET SHOULD SHOW S TO SEE AMEN

DESCRIPTION OF

Climate powerd forcers forceryptistics, pro 15 Street per late, Alreyon Size for Sade Consequent Late, and pro 1500 Size parties Colone Size.

APRIL CORN.

EPISCHE DEBLOCK TO THE ANALY.

THE STRANGE BY THE HER PLANE TO CHEMINATE, THE STRANGE BY THE BY THE STRANGE BY THE BY THE STRANGE BY THE STRANGE BY THE STRANG



1 FEMA FLOODPLAIN MAP



BIRDIES

207 N WHITTAKER ST, NEW BUFFALO, MI 49117

FEMA FLOODPLAIN MAP

DATE: 12/03/21

NO. DATE ISSUE: REVISION: PRINT SIZE: 36X24

G003

CIRCLE DENOTES 300' RADIUS FROM PROPERTY LINE 1 100,000 Distance @ 300 ft * -3-0 839-1

TOTAL COMMUNAL PARKING COUNT WITHIN 300" RADIUS FROM PROPERTY LINE: 89
ADA: 5
NON ADA: 84

1 COMMUNAL PARKING COUNT DIAGRAM N.T.S

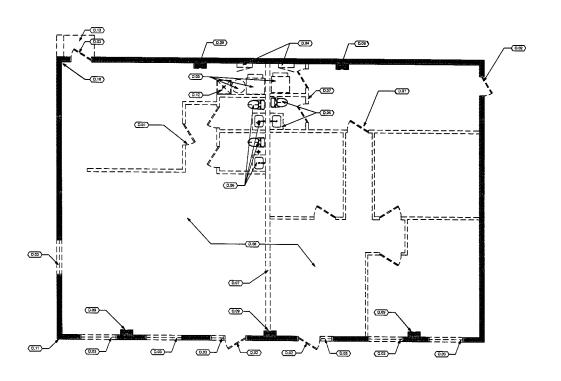


BIRDIES

207 N WHITTAKER ST, NEW
BUFFALO, MI 49117

Tile THE TOPP HOSSING

COMMUNAL	PARKING COUNT DIAGRAM	KING COUNT DIAGRAM NO. DATE ISSUE:			
DATE: 12/03/21	REVISION:				Designation of Mariana,
DRAWN BY:	PRINT SIZE: 36X24	\vdash			G004



REMOVE ALL DEMOLISHED MATERIALS FROM SITE IMMEDIATELY
MAINTAIN EXIT AND ACCESS WAYS IN A CLEAN, UNDESTRUCTED
MANURAT AT ALL TIMES
PROVIDE TEMPORARY ENCLOSURES TO INSURE THAT NO WATER
LEAKAGE OR DAMAGE OCCURS TO THE INTERIOR AREAS OR
STRUCTURE.
CONTRACTOR TO PROVIDE BRACING / SHORING AS BEARING WALLS ARE
REMOVED OR ALTERED MEYNOTES

D.D.I REMOVE ALL EXISTING INTERIOR DOORS, TYP.
D.02 REMOVE ALL EXISTING STOREROR DOORS, TYP.
D.03 REMOVE EXISTING STORERORY WINDOW
D.M REMOVE EXISTING STORERORY WINDOW
D.M REMOVE EXISTING MECHANICAL EQUIPMENT, COORDINATE W. ARCHITECT ON REUSE.
D.OS REMOVE EXISTING MECHANICAL EQUIPMENT, COORDINATE W. ARCHITECT ON REUSE.
D.OR REMOVE EXISTING RESTROOM FIXTURES, COORDINATE W. ARCHITECT ON REUSE.
D.OR REMOVE ALL EXISTING INTERIOR PARTITIONS, TYP.
D.08 REMOVE ALL EXISTING INTERIOR PARTITIONS, TYP.
D.09 REMOVE EXISTING STORE TOOLUT.
D.09 REMOVE EXISTING STORE TOOLUT.
D.09 REMOVE EXISTING BUILDOUT AT COLUMN.
D.10 REMOVE EXISTING BUILDOUT AT COLUMN.
D.11 REMOVE EXISTING BUILDOUT AT COLUMN.
D.11 REMOVE EXISTING WALL CLADDING AT ALL PERIMETER WALLS THAT ARE
TO REMAIN.
D.11 REMOVE EXISTING MOP SINK.
D.13 DEMOLISH EXISTING MOP SINK.
D.13 DEMOLISH EXISTING CONCRETE STARS. KEYNOTES

DEMO GENERAL NOTES

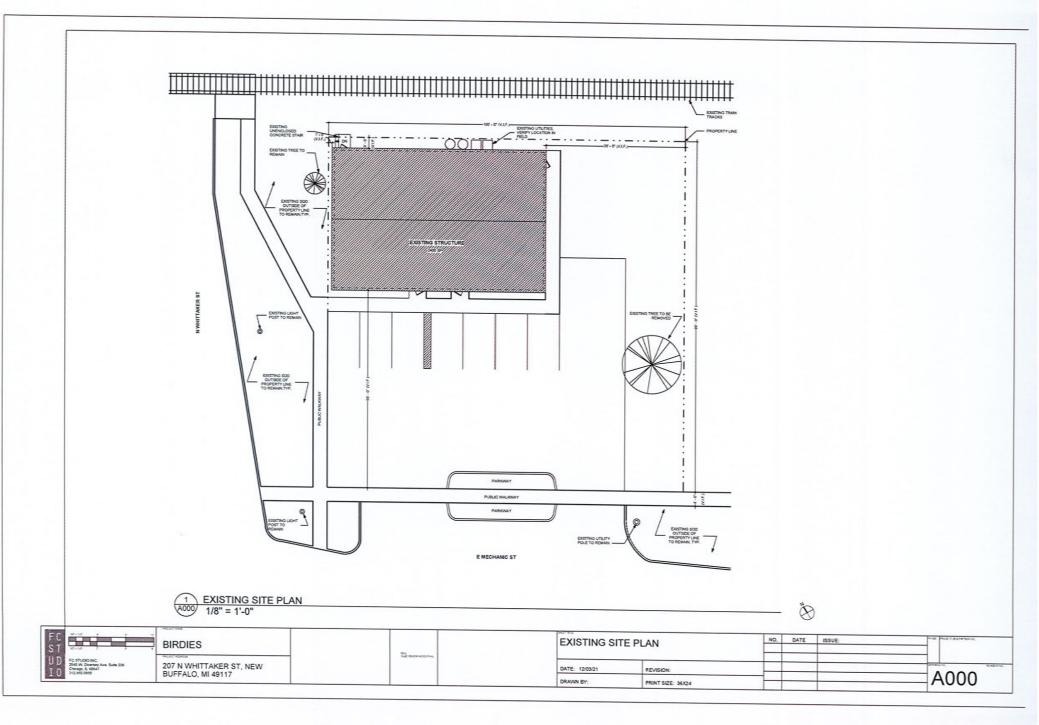
WALL OR ELEMENT TO BE DEMOLISHED EXISTING WALL TO REMAIN.

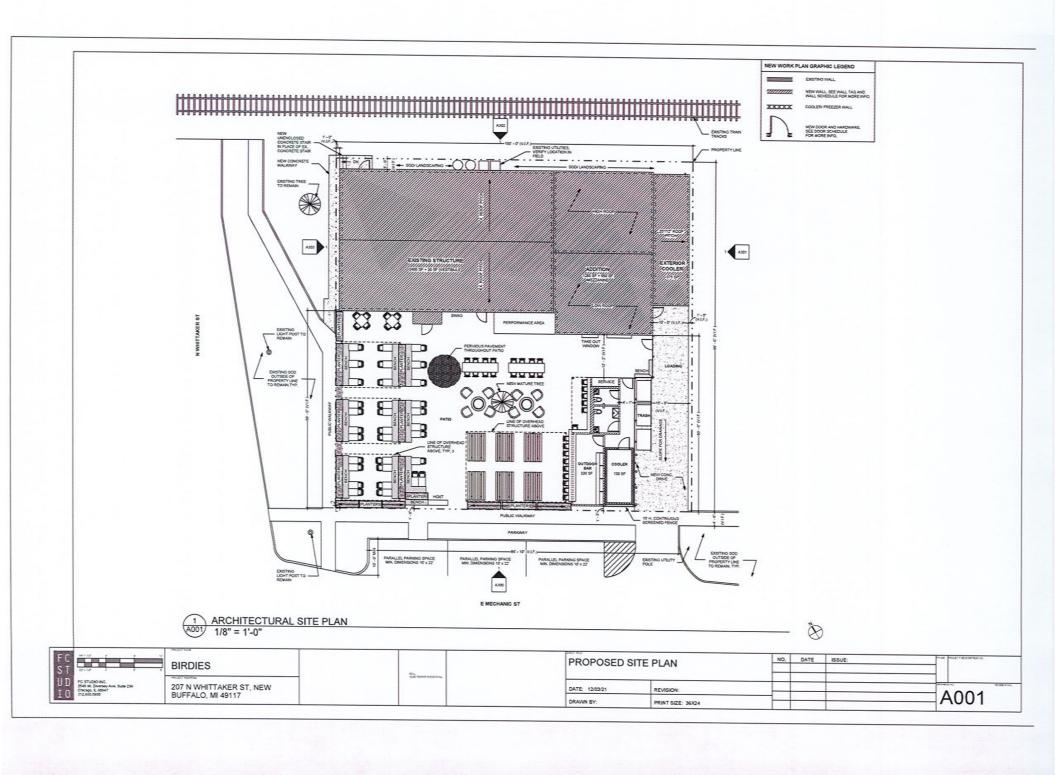
DEMO PLAN GRAPHIC LEGEND

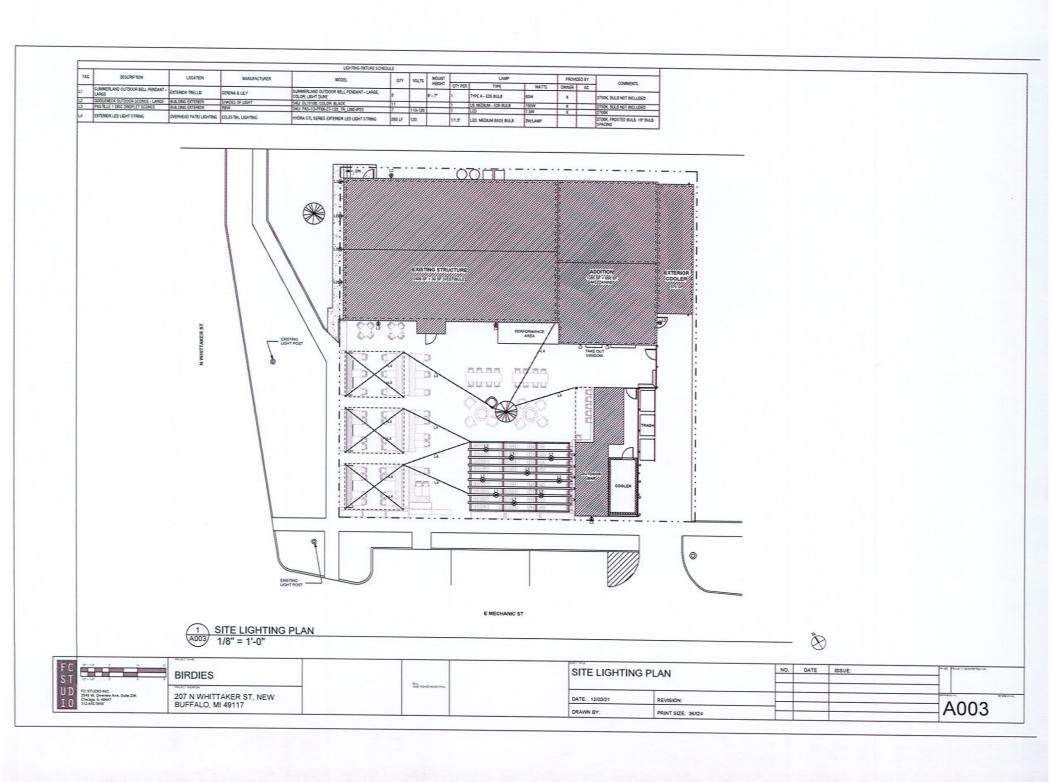
EXISTING DOOR AND ASSOCIATED HARDWARE TO BE REMOVED.

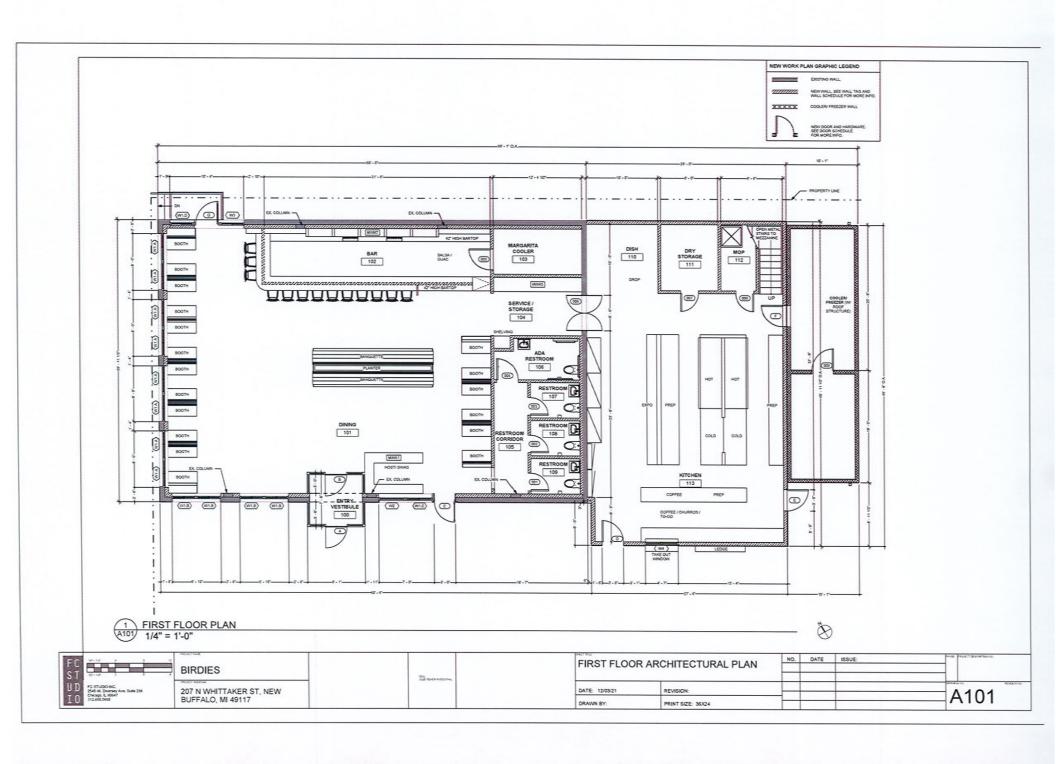
1	FIRST FLOOR DEMO PLAN 1/4" = 1'-0"
D100	1/4" = 1'-0"

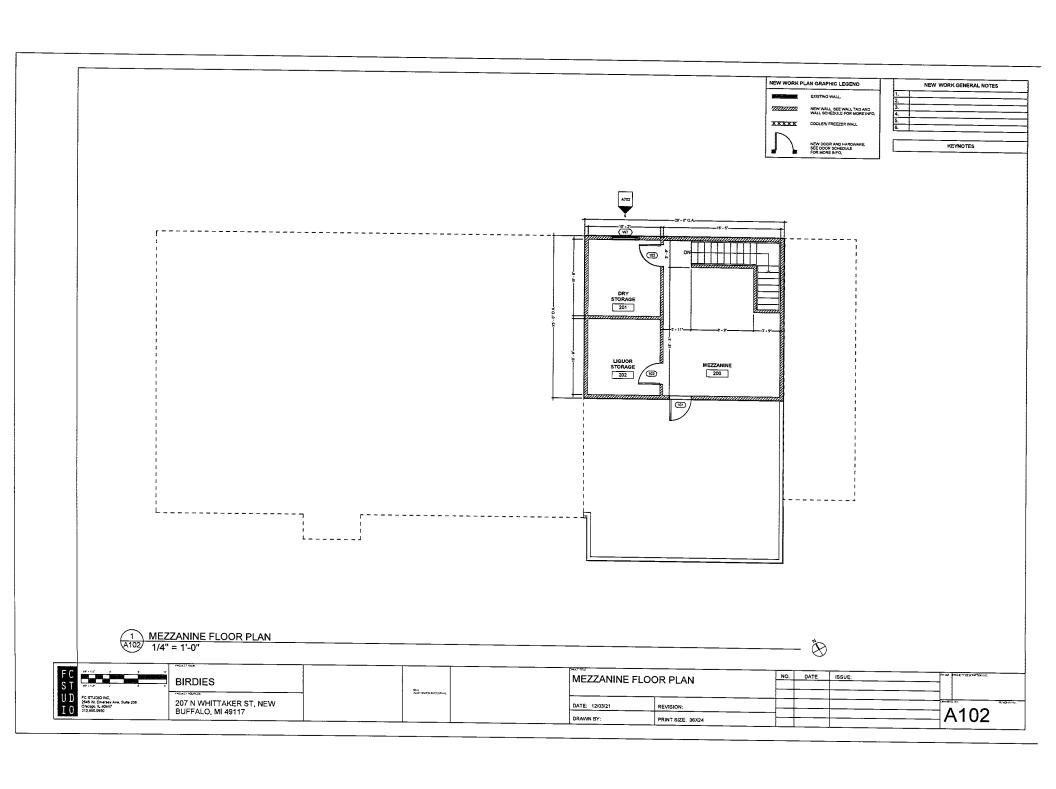
=	RDIES		DEMOLITION PLAN		NO.	DATE	ISSUE:	n-uz k	яоиест одоснутном но.	
	7 N WHITTAKER ST, NEW FFALO, MI 49117	YARI, RIDHER ROSENINHA			REVISION: PRINT SIZE: 36X24					1100











	WINDOW S	CHEDULE		
TAG	STYLE	HEIGHT	WIDTH	COLOR
A.1W	DOUBLE HUNG	6'-2"	3'-4"	WHITE
W1.B	DOUBLE HUNG	6'-2"	3'-11"	WHITE
W1,C	DOUBLE HUNG	6'-2"	3"-6"	WHITE
W1.D	DOUBLE HUNG	6'-2"	33.	WHITE
W2	CASEMENT	6-2	3'-8"	WHITE
W3	FIXED	9-6"	3'-3"	WHITE
W4	PASS THRU	4'-0"	4'-6"	WHITE
W5	FIXED	1'-3"	3'-6"	WHITE
W6	FIXED	2'-1"	3'-6"	WHITE
W7	FIXED	3'-6"	4'-0"	WHITE

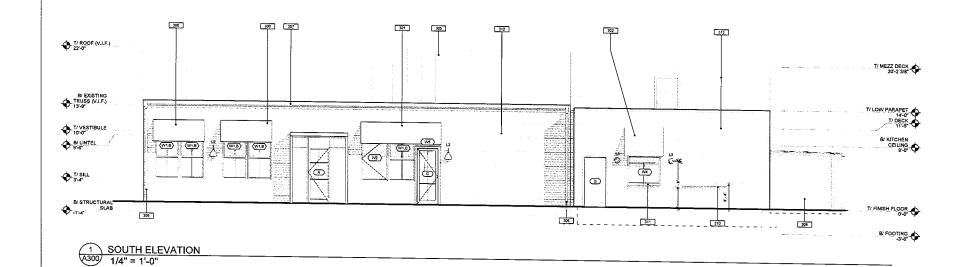
NO. DATE

ISSUE:

300	FABRIC AVVNING, 3'-0" H.x3'-0" D.x7'-2" L.
301	FABRIC AWNING, 3'-0" H.x3'-0" D.x11'-3" L.
302	FABRIC AWNING, 4'-0" H.x2'-6" D.x5'-6" L.
305	STANDING SEAM METAL ROOF; COLOR; BLACK
306	DOWNSPOUT; COLOR; WHITE
307	GUTTER; COLOR: WHITE
308	WALK-IN COOLER W/ OVERHEAD ROOF STRUCTURE
310	84" L.x10" D. WOODEN LEDGE; SPECIES; TBD
311	55" L.x10" D. WOODEN LEDGE; SPECIES TBD
312	EXTERIOR WOOD CLADDING, 4" H.x 1" D.: SPECIES: TBD; FINISH; WHITE WASHED
313	EXTERIOR WOOD CLADDING, 4" H.x 1" D.; SPECIES: TBD: FINISH; NATURAL

A300

KEYNOTES



BIRDIES

207 N WHITTAKER ST, NEW BUFFALO, MI 49117 EXTERIOR ELEVATIONS

REVISION:

PRINT SIZE: 36X24

DATE: 12/03/21

DRAWN BY:

XEYNOTES

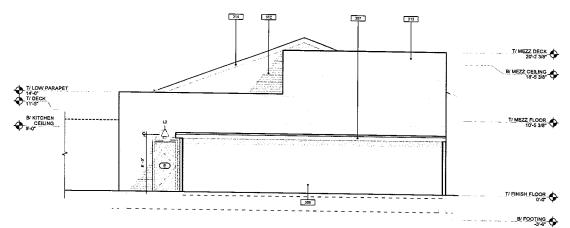
307 GUTTER: COLOR: WHITE

308 WALK-IN COOLER W OVERHEAD ROOF
STRUCTURE

312 EXTERIOR WOOD CLADDING, 4" H. 1" D;
SPECIES: TBD; PRINSH; WHITE WASHED

313 EXTERIOR WOOD CLADDING, 4" H. 1" D;
SPECIES: TBD; PRINSH; NATURAL

314 WOOD TRIM BOARD # H. 1" D; SPECIES: TBD;
FINISH; PAINTED (WHITE)



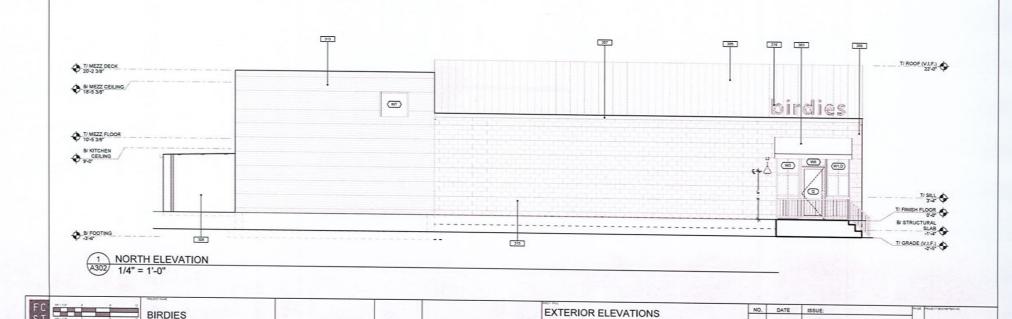
1 EAST ELEVATION 1/4" = 1'-0"

FC ST V2+127		500	EXTERIOR ELEV	ATIONS	NO.	DATE	ISSUE:	оных Реалей осыснёномне.
	207 N WHITTAKER ST, NEW BUFFALO, MI 49117	avie edres sozbilmy	DATE: 12/03/21	REVISION;				DIVANGUS, NEVSSITIA.
			 DRAWN BY:	PRINT SIZE: 36X24				A301



303	FABRIC AWNING, 3'-0" H.x3'-0" D.x10'-10" L.
305	
	STANDING SEAM METAL ROOF; COLOR: BLACK
306	DOWNSPOUT; COLOR: WHITE
307	GUTTER; COLOR: WHITE
308	WALK-IN COOLER W OVERHEAD ROOF STRUCTURE
313	EXTERIOR WOOD CLADDING, 4" H.x 1" D.; SPECIES: TBD; FINISH; NATURAL
315	EXISTING CMU, PAINTED (WHITE)
316	CHANNEL LIT SIGN PERMITTED BY OTHER, EXACT DESIGN & CONSTRUCTION TRD

A302



DATE: 12/03/21

DRAWN BY:

REVISION:

PRINT SIZE: 36X24

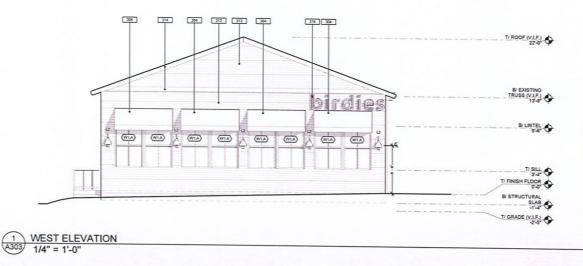
BIRDIES

207 N WHITTAKER ST, NEW BUFFALO, MI 49117

	WINDOW S	CHEDULE		
TAG	STYLE	HEIGHT	WIDTH	COLOR
W1.A	DOUBLE HUNG	6-2"	3-4	WHITE
W1.B	DOUBLE HUNG	6-2"	3-11"	WHITE
W1,C	DOUBLE HUNG	6-2"	3'-8"	WHITE
U.rw	DOUBLE HUNG	6-2"	3-3"	WHITE
W2	CASEMENT	6-2"	3-8"	WHITE
W3	FIXED	9-5"	3-3"	WHITE
W4	PASS THRU	4-0"	4-5	WHITE
W5	FIXED	1'-3"	3-6"	WHITE
W6	FIXED	2-1"	3-6	WHITE
W7	FIXED	3-6"	4-0"	WHITE

304	FABRIC AWNING, 3'-0" H.x3'-0" D.x8'-2" L.
312	EXTERIOR WOOD CLADDING, 4" H.x. 1" D.: SPECIES: TBD; FINISH: WHITE WASHED
313	EXTERIOR WOOD CLADDING, 4" H.x 1" D.; SPECIES: TBD; FINISH; NATURAL
314	WOOD TRIM BOARD, 8" H.x 1" D.; SPECIES: TBD: FINISH; PAINTED (WHITE)
316	CHANNEL LIT SIGN PERMITTED BY OTHER.

KEYNOTES



207 N WHITTAKER ST, NEW BUFFALO, MI 49117

EXTERIOR ELEVATIONS

DATE: 1203/21 REVISION:

DRAIMN BY: PRINT SIZE: 36/24

A303

NO. DATE ISSUE:

