



June 20, 2018

**CORRECTED**  
**NOTICE OF PUBLIC HEARING & SPECIAL MEETING**

The City of New Buffalo Planning Commission will hold a Public Hearing during their Special Meeting on **Thursday, July 12, 2018 at 7:00 p.m.**, in the New Buffalo City Hall, 224 West Buffalo Street, New Buffalo, MI 49117.

The purpose of this Public Hearing is to consider a Site Plan and Amendment of the Special Land Use Permit for applicant Dawn Workman, who is requesting permission to expand the existing deck by 10' and add a new structure in the front yard to dispense beverages. This pertains to Article 19: Section 6 and 9 and Article 17, Section 7 of the City's Zoning Ordinance.

Said property is located at **134 East Buffalo Street, New Buffalo, MI 49117. The Property Number is 11-62-03-40-0221-01-0.** The Zoning Ordinance is available online at [cityofnewbuffalo.org](http://cityofnewbuffalo.org) and City Hall.

This meeting is an open meeting. The notice is posted in compliance with Open Meeting Act, Public Act 267 of 1976 and the Americans with Disabilities Individuals with disabilities requiring auxiliary aids should contact the City Clerk by writing or calling the following: Lori Vander Clay, City Clerk, (269) 469-1500, 224 W. Buffalo St., New Buffalo, MI 49117.

All interested parties are urged to attend.

Mary Lynn  
Deputy Clerk

**AGENDA  
CITY OF NEW BUFFALO  
PLANNING COMMISSION**

SPECIAL MEETING  
July 12, 2018

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Public Hearing
  - a) Site Plan/Special Land Use-Applicant, Dawn Workman
5. Commissioner Comments
6. Adjournment

ORIGINAL 4/5/18

CITY OF NEW BUFFALO

PLANNING COMMISSION/ ZONING BOARD OF APPEALS APPLICATION



City Staff Use Only	Project Name	Villa Nova Site Plan Review & Special Use
	Project Number	0318
	Review Fee Paid	350 <sup>00</sup>
	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 DAWN WORKMAN  
Address 134 E. BUFFALO

E) Property owner(s) principal contact:

Name EZRA RAY LLC  
Address 134 E BUFFALO  
NB

Telephone [REDACTED]

B) Applicant(s) secondary contact:

Name /  
Address /  
Telephone /

F) Architect (if applicable):

Name WM. MCCOLLUM  
Address 10109 RED ARROW  
UNION PIER MI  
Telephone 313 550-7008

C) Agent or Attorney (if applicable):

Name /  
Address /  
Telephone /

G) Engineer (if applicable):

Name NA  
Address /  
Telephone /

D) Is the property held in Trust\*:

Yes - Answer below  No - Skip below  
Name of Trust EZRA RAY LLC  
Address 134 E BUFFALO  
NB  
Telephone 269-612-1889

H) Applicant is (check one):

Property owner  
 Attorney  
 Agent  
 Engineer  
 Other: TENANT

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

II. Purpose of Application

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

- Rezoning of Property
- Rezoning Amendment
- Lot Split – Subdivision or Land Division
- Subdivision Approval
- Variance(s) Approval
- Other: \_\_\_\_\_
- Site Plan Approval
- Special Use Approval

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

SITE PLAN REVIEW WILL REQUEST PERMISSION TO EXPAND EXISTING DECK BY 10' AND TO PLACE A NEW STRUCTURE IN THE FRONT YARD TO BE USED TO DISPENSE BEVERAGES.

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:

SPECIAL USE PERMIT HAS ALREADY BEEN ISSUED FOR OUTDOOR DINING.

See Attached PLANNING COMMISSION HEARING REPORT

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:

NO CHANGE REQUESTED OR DESIRED.

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

134 E. BUFFALO ST.

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

See Attached Sheet

C) Permanent Real Estate Tax Identification Number:

11-62-03-40-0221-01-0

D) Parcel Size:

17,424

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	RESTAURANT.
2. Adjoining property:		
a) North of Site	RESIDENTIAL	HOUSE
b) South of Site	CBD	PARKING LOT./ST.
c) East of Site	CBD	PARKING LOT
d) West of Site	RESIDENTIAL	HOUSE

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

EXISTING RESTAURANT & OUTDOOR DINING ON EXISTING DECK. NO CHANGE

**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 WILL BE EXPAND EXISTING OUTDOOR DINING DECK + PLACE A NEW STRUCTURE ON DECK TO DISPENSE BEVERAGES.

B) What is the proposed time frame for the build-out of this development: APRIL 2013

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		<del>EXISTING</del>	<del>NEW</del>			
Central Business CBD	1	1,755	144		EXISTING	EXISTING
Gen. Commercial GCD		(1,899 SF)			NO CHANGE REQ'D.	
Waterfront Marina WM		COMBINED.				
General Industrial I-1						
TOTAL						

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

- N/A**
- 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 \$ 360<sup>00</sup>.
- 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 \_\_\_\_\_
- 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):

PERMISSION WILL ALLOW AN EXISTING BUSINESS TO EXPAND. THERE WILL BE NO ADVERSE AFFECT. ON ANY OF THE ADJACENT NEIGHBORS.

ALL OUTDOOR ACTIVITIES WILL STOP BE BEFORE 12 PM IN WEEKEND IN ACCORANCE WITH THE CITY REGULATIONS.

ALL GARBAGE & REFUSE WILL BE COLLECTED NIGHTLY AND PLACED IN SECURE CONTAINERS AT REAR OF THIS SITE.

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, DAWN WOMENSON, 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: Dawn Wokeman Date: 3/30/18

D) Notary Public Certification Statement:

I, CAROL C SHUBERT, Notary Public in and for the State of Michigan this 30<sup>TH</sup> day of MARCH, 2018 the above captioned applicant appeared before me and under oath stated that all matters contained in this application are true.

Notary Public, State of Michigan  
County of Berrien  
My Commission Expires 12-23-2019  
Acting in the County of Berrien

My commission expires: Carol C Shubat

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: 4-17-18

Approval:  Yes  No

Signature: Chris Neeson

Conditions:  Attached  None

Title: Fire Chief

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: Edward Carpenter

Date: 4-17-18

Zoning Administrator: \_\_\_\_\_

Date: \_\_\_\_\_

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





Name of Project:

Name of Applicant:

224 West Buffalo Street  
New Buffalo, Michigan 49117  
Phone (269) 469-1500  
Fax (269) 469-7916

Application Fee: 350<sup>00</sup> Paid Escrow Fee: Paid

### SITE PLAN REVIEW CHECKLIST AND SUMMARY OF PROCESS

#### Background Information

1. Street Address and/or Location of Request: 134 E Buffalo Street
2. Parcel Identification Number (Tax I.D. No.): # 11-68-0340-0224-0001
3. Applicant's Name: Phone Number: DAWN WURKMAN  
Address: 134 E Buffalo Street City State Zip  
Fax Number: Email Address:
4. Is applicant: Property Owner Owner's Agent Contract Purchaser Option Holder Rewriter
5. Applicant is being represented by: Wm McCallum Phone Number 317-550-7008  
Address: 16109 Red Arrow Hwy Union Pier
6. Architect: Wm McCallum Phone Number: 317-550-7008  
Address: 16109 Red Arrow Hwy Union Pier
7. Present Zoning of Parcel: C3D Present Use of Parcel: RESTAURANT
8. Description of proposed development (attach additional materials if needed):

A. General Information	INITIAL
1. The applicant's name, address, telephone number, and their interest in the project and/or property	<u>EC</u>
2. The name, address, and telephone number of the owner(s) of record and the signatures of the owners authorizing the site plan submittal	<u>EC</u>
3. The name, address, and telephone number of the individual of firm preparing the site plan	<u>EC</u>
4. Project title	<u>EC</u>
5. Proof of property ownership or purchase agreement	<u>EC</u>
6. The legal description, address, and tax identification number of the parcel	<u>EC</u>
7. Written permission, signed by the property owner, granting the Planning Commission and City Officials authority to enter onto the property which is the subject of the an application for site plan approval (this item is optional)	<u>EC</u>
8. Deed restrictions, master deed restrictions, and bylaws as applicable	<u>N/A</u>
9. Fees	<u>EC</u>
<b>B. Site Analysis/Project Impact Information</b>	
1. Existing topographic elevations at two-foot intervals, proposed grades, and direction of drainage flows	<u>EC</u>
2. The location of existing structures on the subject site and an adjacent parcels within fifty (50) feet of subject parcel	<u>EC</u>
3. Location and type of significant existing vegetation	<u>N/A</u>
4. Location and elevations of existing watercourses and water bodies, including county drains, and man-made surface drainage ways, floodplains, and wetlands	<u>N/A</u>
<b>C. Site Plan Information</b>	
1. A vicinity map	<u>EC</u>
2. North arrow, and date of original submittal and all revisions	<u>EC</u>
3. A grading plan showing finished contours at a minimum interval of one (1) 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)	<u>EC</u>
4. Location of proposed and/or existing property lines with dimensions, legal description, and statement or illustration of building setback lines	<u>EC</u>
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	<u>EC</u>
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)	<u>EC</u>
7. Land uses (residential, commercial, industrial, vacant, etc.) and zoning classification for the subject parcel and adjoining parcels	<u>EC</u>
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	<u>EC</u>
9. Indication of phases, if applicable	<u>N/A</u>
10. Location of existing streets, street rights-of-way and private easements of record	<u>EC</u>
11. Location and dimensions of proposed streets, drives, curb cuts, driveway radii, access easements, deceleration/acceleration lanes or tapers, and passing lanes as applicable	<u>N/A</u>

- 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 EC
- 13. Location, design, and dimensions of loading and unloading areas EC
- 14. Location, and design of all sidewalks, walkways, bicycle paths, and areas for public use N/A
- 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 Existing
- 16. Location of all other utilities on the site EC
- 17. The description of measures to be taken to control soil erosion, and sedimentation during and after completion of grading and construction operations N/A
- 18. Location, size, and specifications of all signs with cross-sections Existing
- 19. Exterior lighting locations whether pole-mounted or building-mounted and a statement included that all lighting will be shielded to avoid spillover to adjacent properties or streets. If pole-mounted the height of pole shall be included Existing
- 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 N/A
- 21. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities Existing
- 22. Seal of the registered engineer, architect, or surveyor who prepared the site plan EC

**Zoning Compliance Review (for all new construction, except remodels):**

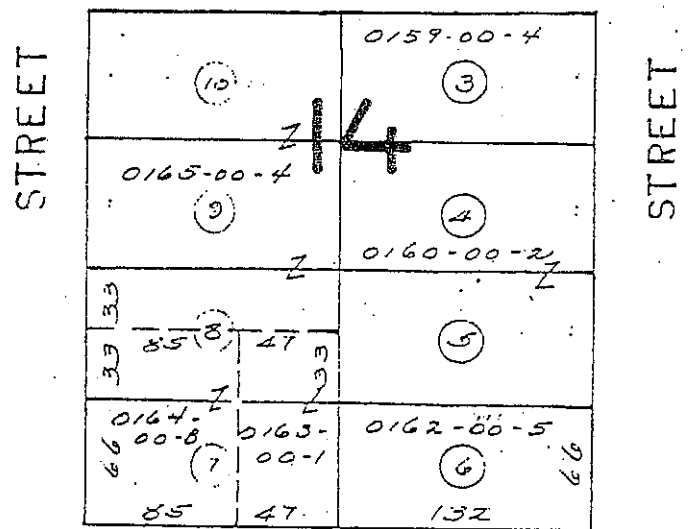
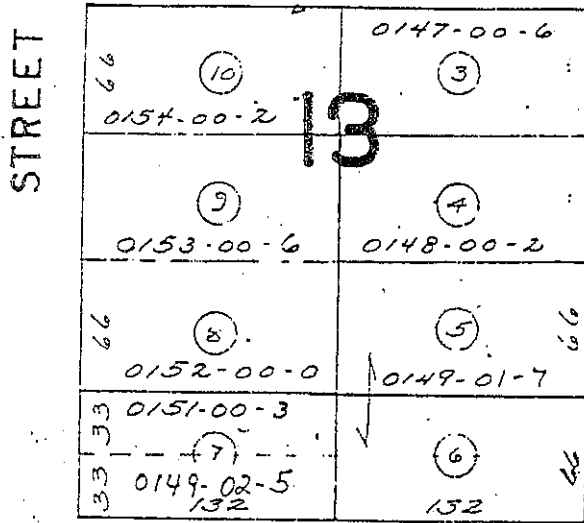
- Dimensional standards: legal building lot; lot area and width; length-to-width ratio; front, side and rear setbacks; building height; special setbacks under PUD zoning approval
- Critical dunes review
- Compliance with private road standards, including permit issued and completion guarantee posted, if required; as well as maintenance agreement, easement verification and lighting
- Review of 100-year floodplain; Michigan DEQ and City floodplain permits issued, if required
- Compliance with Planning Commission/City Council or Zoning Board conditions of approval

LEGAL DESCRIPTION

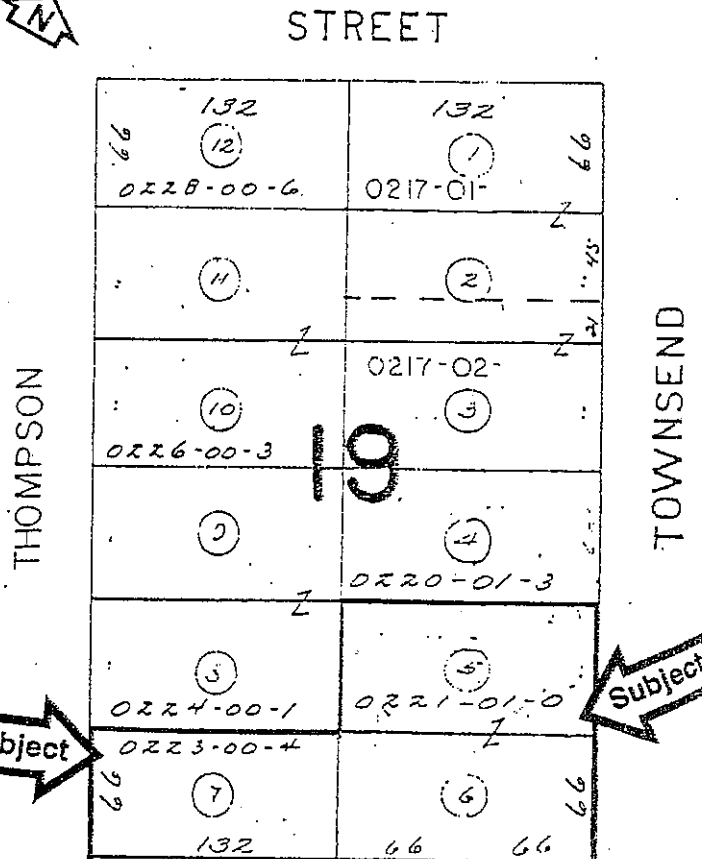
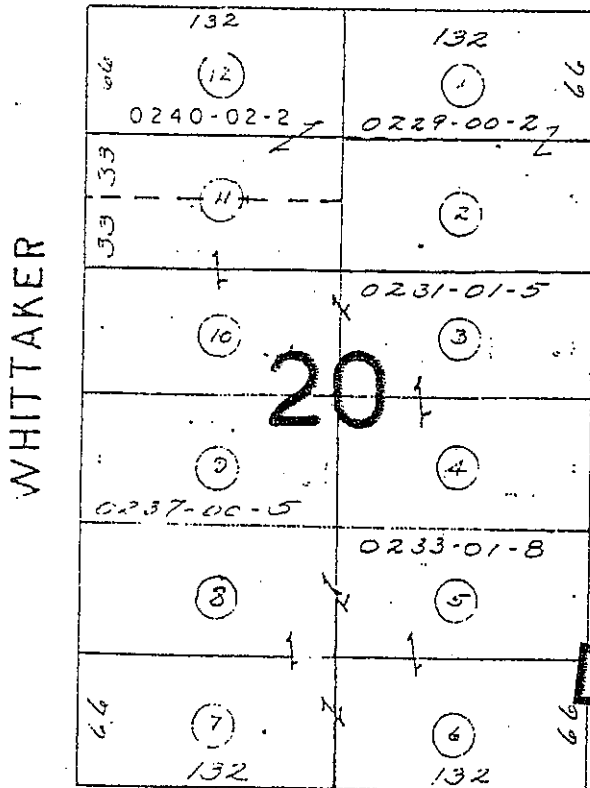
LEGAL DESCRIPTION OF OWNERSHIP

Lots 5, 6, and 7, Block 19, Village Plat of New Buffalo, City of New Buffalo, New Buffalo Township, Berrien County, Michigan.

SITE PLAT



PLAT 0340



REC APPROV

**New Buffalo City Planning Commission**  
**Public Hearing & Regular Meeting**  
**May 14, 2013**

**Public Hearing:**

Special Land Use – Villa Nova Pizzeria, 134 E. Buffalo Street, New Buffalo, MI 49117

Meeting was called to order by Vice-Chair – Hillary Bubb at 7:00 p.m.

**Pledge of Allegiance**

**Roll Call:**

Hillary Bubb, Jen Deadman, Donna Messinger, Harry Hull, Pete Weber, Veronica Schroder

Excused: Lou O'Donnell

Absent: Don Hatfield

Motion to approve the Minutes from April 2, 2013 made by: Donna Messinger, 2<sup>nd</sup> by: Pete Weber. Jen Deadman abstained. All in favor minutes approved.

Special Land Use Villa Nova notice was read aloud by Vice-Chair Bubb.

Public Hearing was opened at 7:05 p.m.

**Board Members Discussed:**

1. The Working hours and if the restaurant would be family friendly.
2. Deck area and the landscaping
3. Number of tables for outdoor seating.
4. Restrictions on entering the deck area.
5. Handicapped parking

David and Dawn Workman – Owner of Villa Nova Pizzeria stated that they would like to reconfigure the outdoor seating area to be able to serve customers food and alcohol. The hours would be 12 noon to 11:00 p.m. and that the restaurant intends to remain family friendly. They plan to add landscaping around the deck area and there are 6 tables with a maximum of 8 to a table or seating for 48 total. No signs and advertising would be placed on the deck railings. There is 1 handicapped parking space on each side of the building.

Building Inspector Ed Carpenter was asked about parking and if he had any concerns with this special land use. He stated that there is more than adequate parking and that he it was not his job to make property owners comply with the parking laws.

Motion by Vice-Chair Bubb to approve the Special Land Use for the Villa Nova Pizzeria located at 134 E Buffalo Street, New Buffalo, MI 49127, Property Tax Code 11-62-0340-0221-01-0, for outdoor dining and serving of alcohol according to the LCC rules. Second by Member Hull, motion carried.

Motion by Harry Hull to close the Public Hearing at 7:25 p.m.; 2<sup>nd</sup> by: Donna Messinger, motion carried.

Vice-Chair Hillary Bubb opened the Regular meeting at 7:26 p.m.

The board discussed the possible Ordinance changes.

1. Many Ordinances need to be revised.
2. New Buffalo Township re-did their ordinances in 3 months' time. It's critical to look into it. It will take a very long time if it's done ordinance by ordinance.
3. City should provide additional information.
4. What is Planning Commissions Responsibility?
5. When does the City Attorney review any changes made.
6. Those providing drawings for site plans are crudely drawn and childish in quality.
7. Parking is a big issue.
8. The Commission should pick 3-4 ordinances to begin with.
9. More than 1 person is needed to write or review an ordinance
10. Some parts of the re-writes may violate amendments.

Member Deadman made a motion to table the discussion on Ordinance re-writes until more information is available, 2<sup>nd</sup> by Vice-Chair Bubbs.

Motion defeated for lack of majority

Member Weber made a motion to discuss the topic, no second

Motion defeated for lack of majority

Board Member Discussion:

Vice-Chair Bubbs – stated that she felt the By-laws should be discussed first and that when would like to have copies of other cities by-laws for comparison.

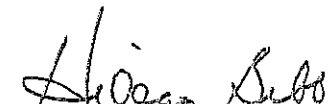
Member Messinger stated that each member should take an ordinance to review and bring it to the table at the next meeting and that she felt the Planning Commission should be more aggressive.

Member Weber stated that he is leaving the Planning Commission with disappointment at lack of accomplishment from the board and there needs to be a dramatic change for this to become a functioning committee.

Member Deadman stated that Member Weber has only been on this Commission a short time and is placing a lot of blame on the members.

Member Messinger stated she is also disappointed on starting with the by-laws. This was addressed Two years ago and it's a waste of time. Meetings are run by the by-laws we already have in place.

Motion to adjourn was made by Donna Messinger, 2<sup>nd</sup> by Veronica Schroder at 7:40 p.m., motion carried.

  
Hillary Bubbs, Vice-Chair

6-4-13

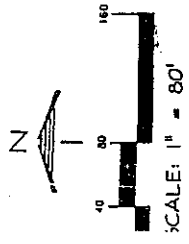
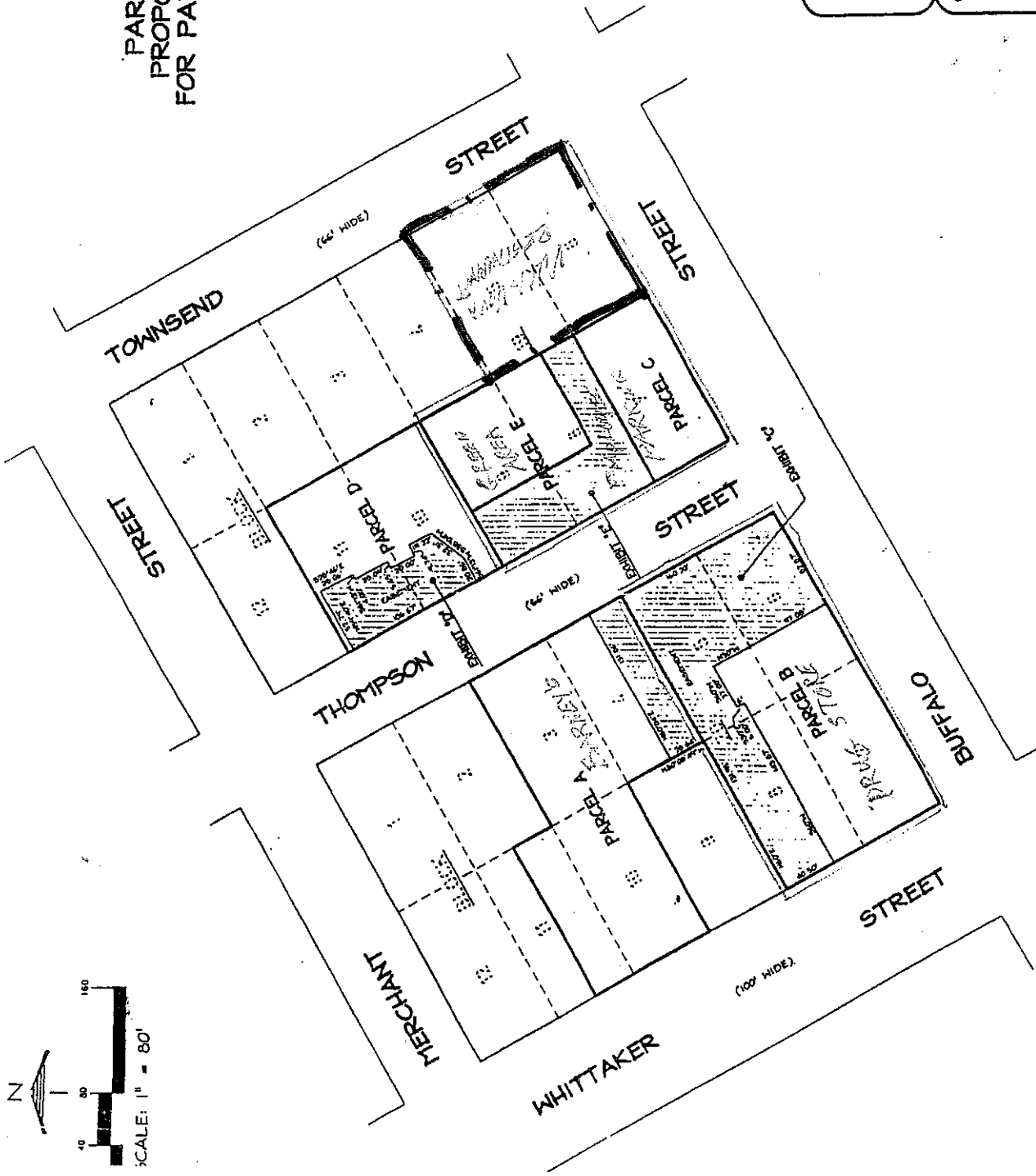
  
Christin Rice, Recording Secretary

6-4-13 <sup>ced</sup>

SUBJECT.



PARCEL SKETCH OF  
PROPOSED EASEMENTS  
FOR PARKING AND ACCESS

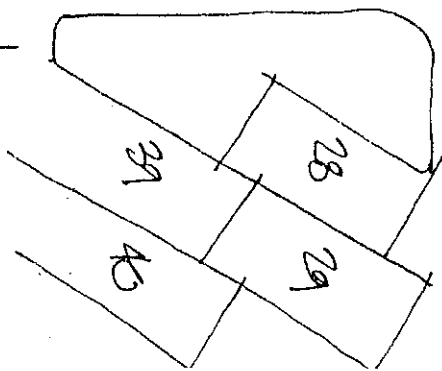
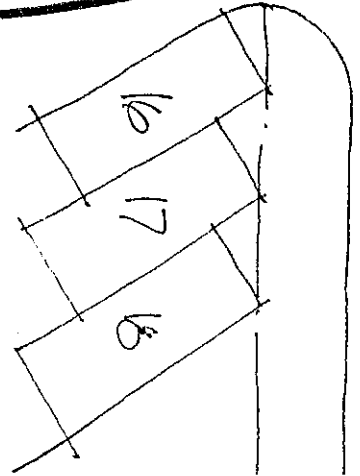
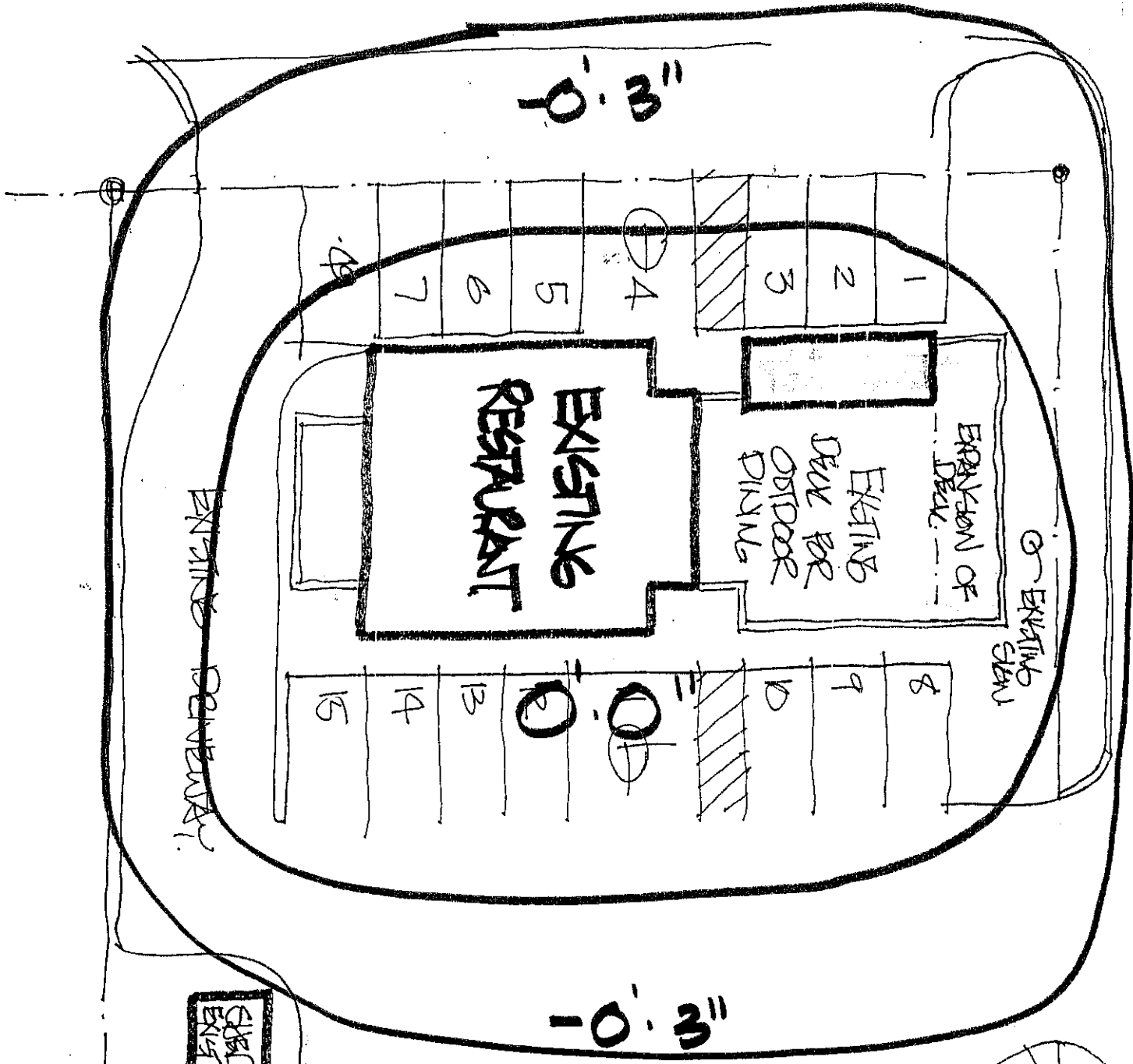


**MITCHELL SURVEYS, INC.**  
404 Broadway  
South Haven, Michigan 49090  
Phone (269) 637-1107  
Fax (269) 637-1907

Client: RICHARD RUBY  
Date: 12-18-2003 Job No: 02-525 B Sheet 1 of 1  
Dwg. By: R.P.K. Dwg. Ck: Desc. By: Desc. C:  
Being in the NW 1/4 Section 10, T. 5, R. 14  
NEB BUFFALO (CITY) Twp. BERRIEN Co., Michigan

TOPO SURVEY.

# TOWNSEND ST.



CUNNINGHAM LETTER

21 February 2018

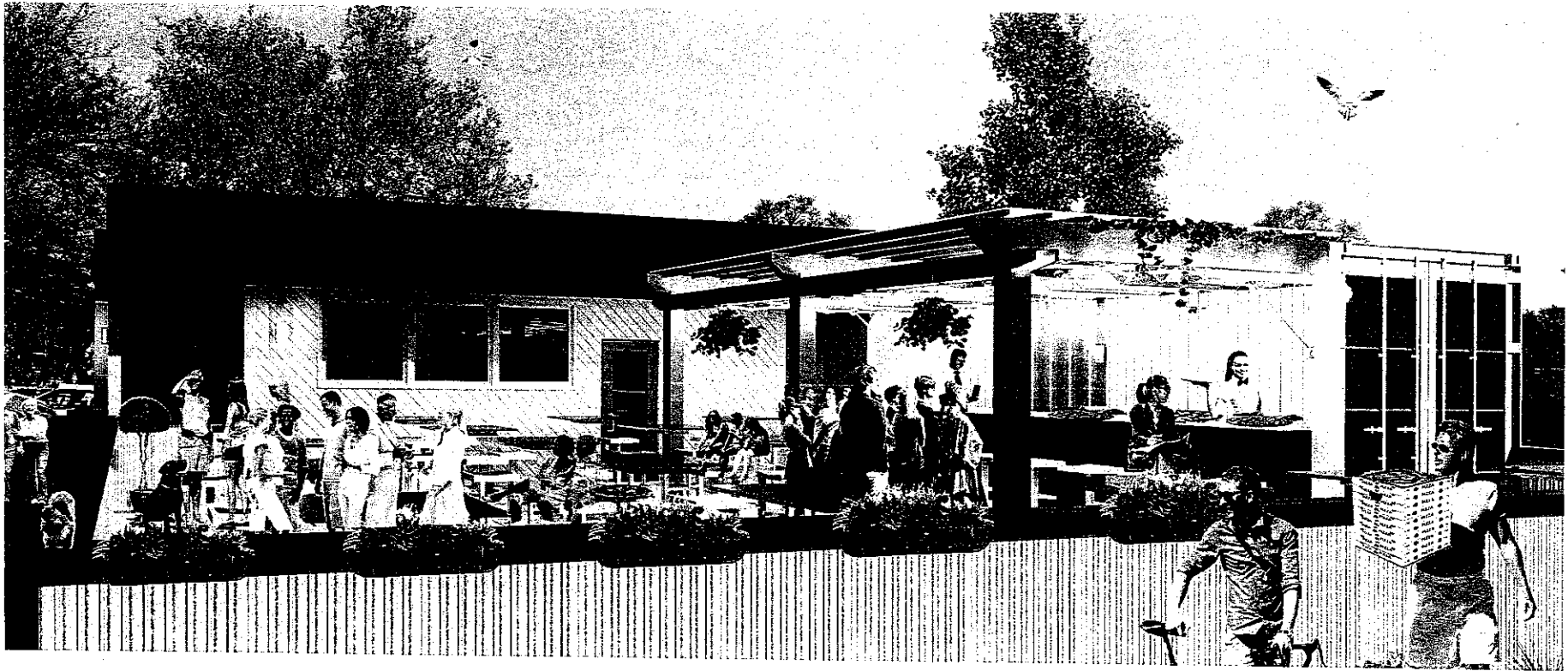
Ezra-Ray, LLC  
18 S. Jameson St.  
New Buffalo, Mi.

To: Ed Carpenter  
Building Inspector  
New Buffalo, Mi

In regard to property owned by Ezra-Ray, LLC at 134 E. Buffalo St., New Buffalo, Mi.  
and occupied by Villa Nova Pizzeria and Dawn Workman, I, (Ray Wojdula, managing director)  
do hereby give permission to construct a kiosk on the patio area, This is for the potential sale  
of beverages and services for the patio area. All changes to the property to facilitate this  
construction is permitted.

A handwritten signature in black ink, appearing to read "Ray Wojdula", written in a cursive style.

Ray Wojdula  
Managing Director



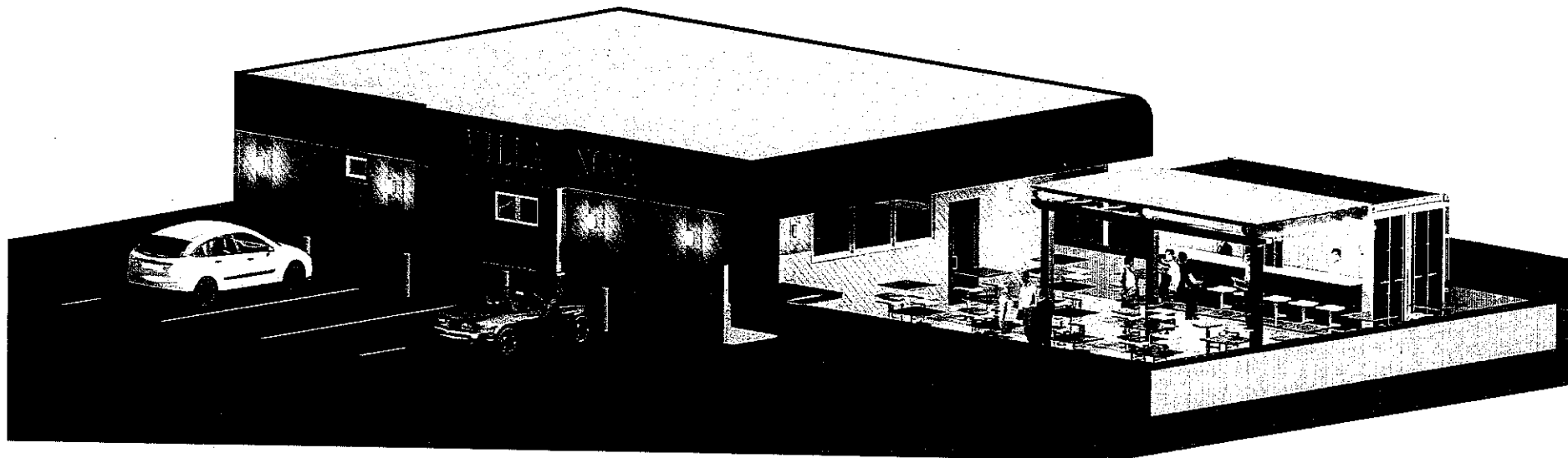
## VILLA NOVA PIZZERIA



**MCCOLLUM**  
**ARCHITECTS**  
**& BUILDERS**

**312-550-7008**

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



VILLA NOVA PIZZERIA

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