

CITY OF BUCHANAN PLANNING COMMISSION TUESDAY, JULY 11, 2023 – 7:00 PM CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

AGENDA

The City of Buchanan Planning Commission, in compliance with Michigan's Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.

* Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com

* Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week's prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.

- I. Regular Meeting Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approve Agenda
- V. Public Comments Agenda Items
- VI. Approve Minutes
 - A. Consider approving minutes from June 13, 2023, Regular Meeting.
- VII. Old Business
 - A. Final Site Plan Review for the Taco Bell Project at 708 E. Front St
 - B. Continued Discussion on the Zoning Update Project.
- VIII. New Business
- IX. Public Comment Non-Agenda Items Only
- X. Community Development Director Comments
- XI. Commissioner Comments
- XII. Adjournment



CITY OF BUCHANAN PLANNING COMMISSION

TUESDAY, JUNE 13, 2023 - 7:00 PM

CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

- I. The City of Buchanan Planning Commission, in compliance with Michigan's Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.
- II. * Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com

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III. Regular Meeting - Call to Order

The meeting was called to order by Chairperson Jason Lietz at 7:00 P.M.

IV. Pledge of Allegiance

Lietz led in the pledge of allegiance.

V. Roll Call

Present: Chairperson Jason Lietz, Vice Chair Kevin Barker, Secretary Ralph McDonald, Planning Commissioner, Tony Houser, Mayor Sean Denison

Absent: Planning Commissioner Richard Martin

City Staff: Director of Community Development/ Zoning Administrator, Rich Murphy & City Clerk, Kalla Langston

VI. Approve Agenda

Motion made by Barker, supported by Denison to approve the agenda as presented. Voice vote carries unanimously.

VII. Public Comments - Agenda Items

None

VIII. Approve Minutes

A. Consider approving minutes from April 11, 2023.

Motion made by Barker, supported by Houser to approve the minutes from April 11, 2023. Voice vote carries unanimously.

IX. Old Business

A. Continued Discussion of Zoning Update Draft

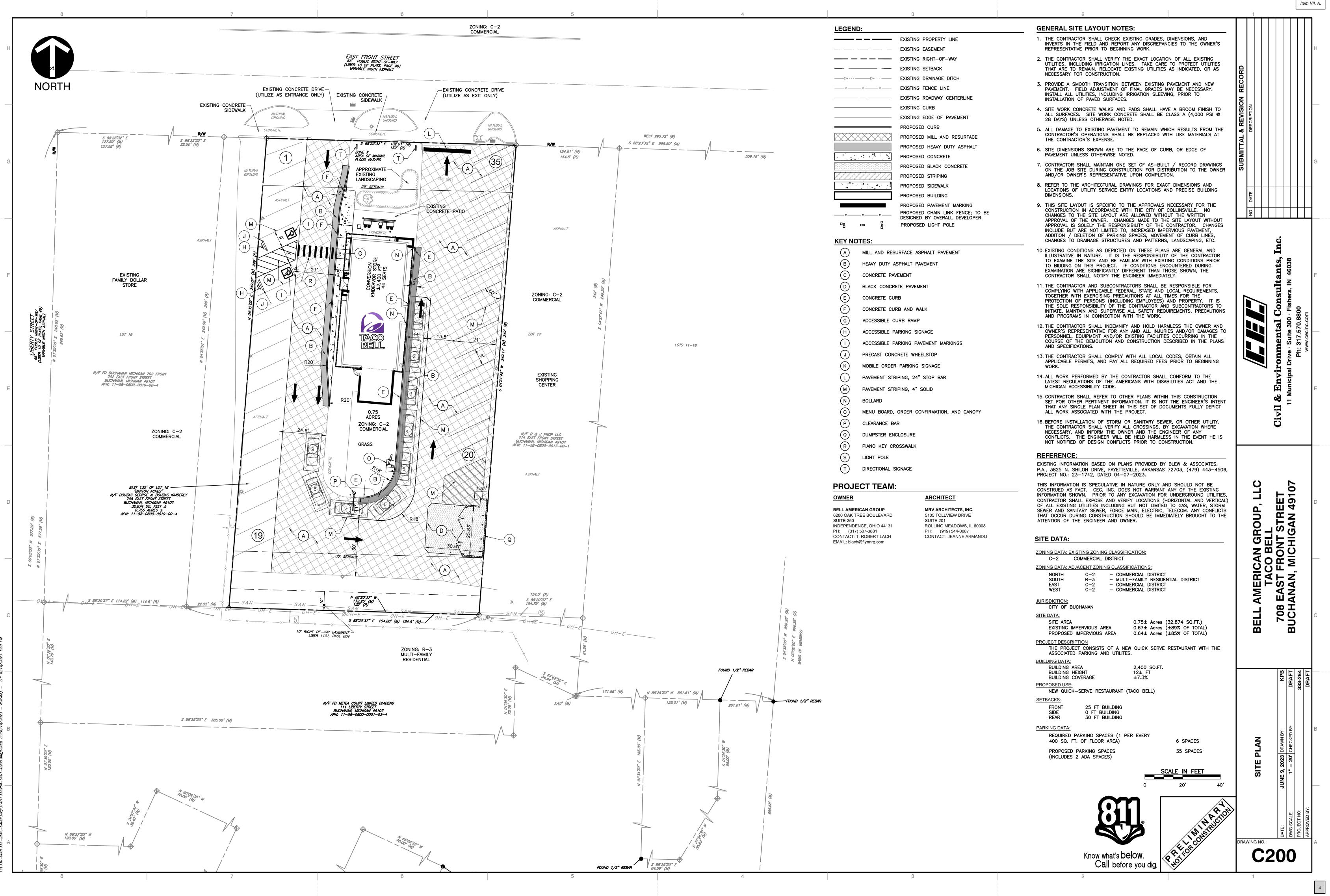
1) Parking Requirments

2) Building Height

X. New Business

A. Update on Redevelopment Projects.

- <u>B.</u> <u>Planning Commission Officers</u>: Chairperson, Vice Chair, and Secretary
- <u>C.</u> <u>Updates from other committees and boards.</u>
- XI. Public Comment Non-Agenda Items Only
- XII. Community Development Director Comments
- XIII. Commissioner Comments
- XIV. Adjournment



SITE INFORMATION

N/F: BOUZAS GEORGE & BOUZAS KIMBERLY 708 EAST FRONT STREET BUCHANAN, MICHIGAN 49107 APN: 58-0800-0018-01-6

32,874 ± SQUARE FEET, OR 0.755 ± ACRES

TITLE COMMITMENT INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT #NCS-1170415-OMHA, DATED FEBRUARY 27, 2023 AT 8:00 A.M.

SCHEDULE A DESCRIPTION

LAND IN THE CITY OF BUCHANAN, BERRIEN COUNTY, MI, DESCRIBED AS FOLLOWS: THE EAST 132 FEET OF LOT(S) 18, "BARTON ACRES", BEING A SUBDIVISION OF THE PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWN 7 SOUTH, RANGE 18 WEST, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 10 OF PLATS, PAGE(S) 49 OF BERRIEN COUNTY RECORDS.

NOTES CORRESPONDING TO SCHEDULE B

THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "DEED OF EASEMENT" RECORDED AS LIBER 147 OF MISC., PAGE 123 OF OFFICIAL RECORDS. (AFFECTS, BLANKET IN NATURE.)

THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "RIGHT OF WAY" RECORDED AS LIBER 1101, PAGE 804 OF OFFICIAL RECORDS. (AFFECTS, PLOTTED AS SHOWN.)

PARKING INFORMATION

REGULAR= 38 HANDICAP= 3 TOTAL= 41

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 26021C0403C, WHICH BEARS AN EFFECTIVE DATE OF 04/17/2006 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA

ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEE FROM 100-YEAR FLOOD.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE EAST LINE OF LOTS 11 & 10, "BARTON ACRES". THE BEARING IS DENOTED AS S 04°38'30" W PER GPS COORDINATE OBSERVATIONS MICHIGAN STATE PLANE, SOUTH ZONE NAD83. LATITUDE = 41°49'36.37424" LONGITUDE = -86°21'09.61818" CONVERGENCE ANGLE = -01°21′05.52429″

SIGNIFICANT OBSERVATIONS

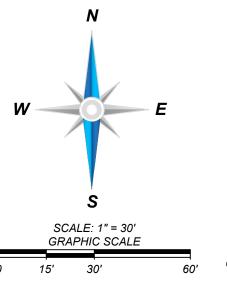
NONE OBSERVED AT THE TIME OF THE ALTA/NSPS SURVEY.

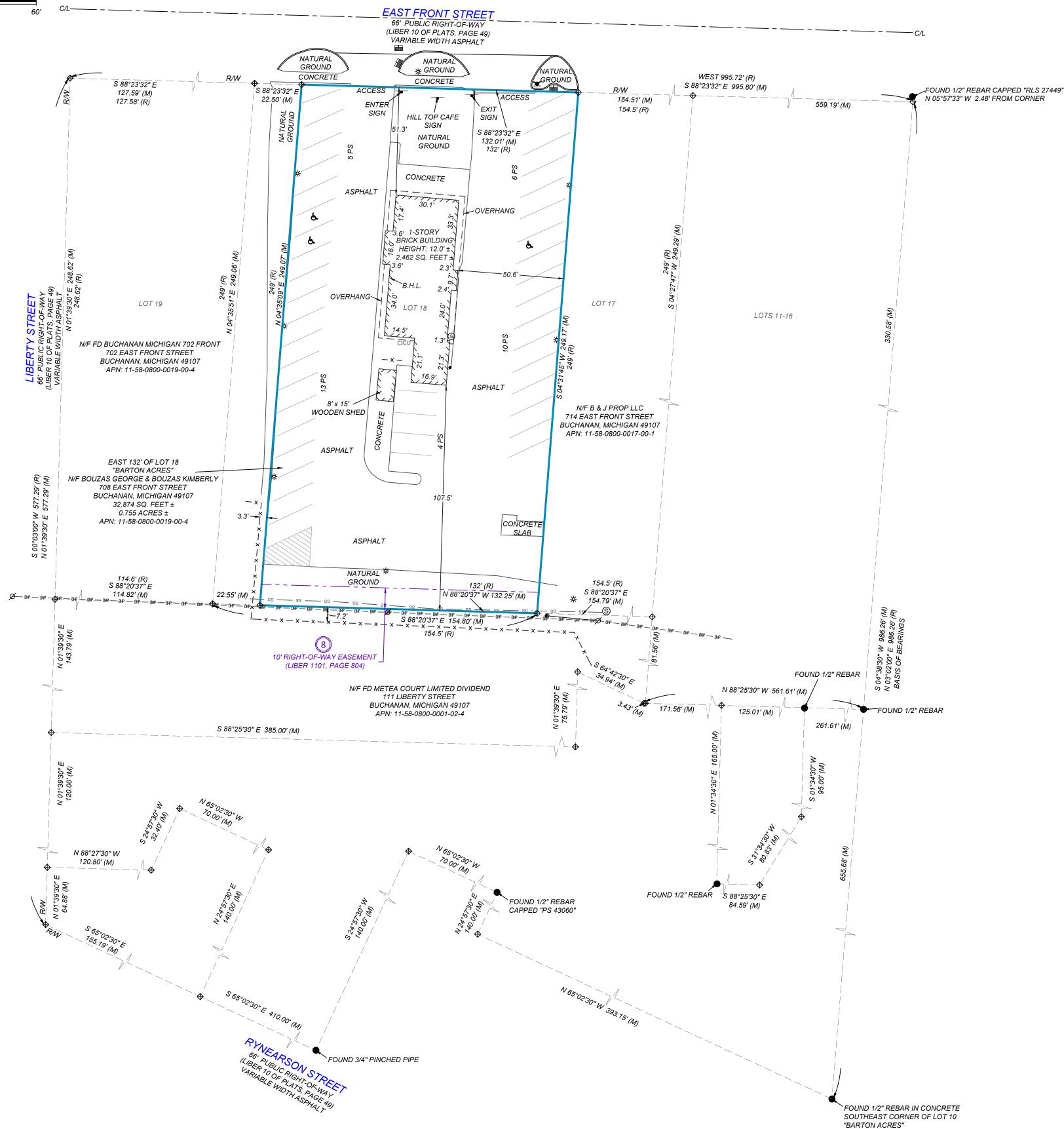
UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

ZONING INFORMATION

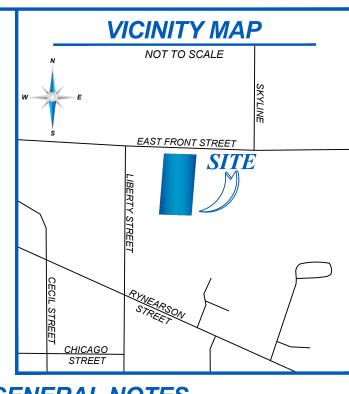
	PROPERTY IS CUR AWAITING ZON		
ITEM	REQUIRED	OBSERVED	NOTES:
PERMITTED USE		RESTAURANT	Because there may be a need for interpretation of the applicable
MIN. LOT AREA		32,874 SQ. FT. ±	zoning codes, we refer you to BERRIEN County for zoning laws
MIN. LOT WIDTH		132.01'	and applicable codes.
MAX. BLDG COVERAGE		7.4%	ZONING PROVIDED BY:
MIN. SETBACKS FRONT		51.3'	-
MIN. SETBACKS SIDE		50.6'	
MIN. SETBACKS REAR		107.5'	
MAX. BUILDING HEIGHT		12.0' ±	
PARKING REGULAR		38	
PARKING HANDICAP		3	1
PARKING TOTAL		41	
PARKING INFORMATION:	1	I	-





ALTA/NSPS LAND TITLE SURVEY

708 EAST FRONT STREET LOCATED IN: SECTION 36, TOWNSHIP 7 SOUTH, RANGE 18 WEST BERRIEN COUNTY, BUCHANAN, MICHIGAN



LEGEND & SYMBOLS

•	FOUND MONUMENT AS NOTED
⇔ &	COMPUTED POINT
	HANDICAP PARKING
×.	FIRE HYDRANT
*	LIGHT
S	SANITARY MANHOLE
OCO	CLEANOUT
Ø	POWER POLE
•	GUY ANCHOR
•	BOLLARD
-•	SIGN
G	GAS METER
	CURB INLET
(M)	MEASURED/CALCULATED DIMENSIO
(R)	RECORD DIMENSION
N/F	NOW OR FORMERLY
BHL	BUILDING HEIGHT LOCATION
PS	PARKING SPACES
	BOUNDARY LINE
	EASEMENT LINE
R/W — — — —	RIGHT-OF-WAY LINE
C/L	CENTER LINE
- x - x - x -	FENCE LINE
— OHP — OHP — OHP —	OVERHEAD POWER LINE
— ss — ss —	SANITARY SEWER LINE

DATE

REVISION HISTORY

- **GENERAL NOTES**
- 1. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
- 2. DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED
- 3. IN REGARD TO ALTA/NSPS TABLE A ITEM 16, THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS EXCEPT AS SHOWN HEREON.
- 4. IN REGARD TO ALTA/NSPS TABLE A ITEM 17, THERE WERE NO KNOWN PROPOSED CHANGES IN RIGHT OF WAY LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS EXCEPT AS SHOWN HEREON.
- 5. AT THE TIME OF THE ALTA/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- 6. AT THE TIME OF THE ALTA/NSPS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, ISOLATED GRAVE SITE OR BURIAL GROUNDS.
- 7. COMPLETED FIELD WORK WAS MARCH 21, 2023.
- 8. THE DISTANCES SHOWN HEREON ARE UNITS OF GROUND MEASUREMENT.
- 9. THE NEAREST INTERSECTING STREET IS THE INTERSECTION OF EAST FRONT STREET AND LIBERTY STREET, WHICH IS APPROXIMATELY 150' FROM THE NORTHWEST CORNER OF THE SUBJECT PROPERTY.
- 10. THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO EAST FRONT STREET, BEING A PUBLICLY DEDICATED RIGHT-OF-WAY.
- 11. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- 12. NO SURVEYOR OR ANY OTHER PERSON OTHER THAN A LICENSED MICHIGAN ATTORNEY MAY PROVIDE LEGAL ADVICE CONCERNING THE STATUS OF TITLE TO THE PROPERTY DESCRIBED IN THIS SURVEY ("THE SUBJECT PROPERTY"). THE PURPOSE OF THIS SURVEY, AND THE COMMENTS RELATED TO THE SCHEDULE B-II EXCEPTIONS, IS ONLY TO SHOW THE LOCATION OF BOUNDARIES AND PHYSICAL OBJECTIONS IN RELATION THERETO. TO THE EXTENT THAT THE SURVEY INDICATES THAT THE LEGAL INSTRUMENT "AFFECTS" THE SUBJECT PROPERTY, SUCH STATEMENT IS ONLY INTENDED TO INDICATE THAT PROPERTY BOUNDARIES INCLUDED IN SUCH INSTRUMENT INCLUDE SOME OR ALL OF THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT PURPORT TO DESCRIBE HOW SUCH INSTRUMENT AFFECTS THE SUBJECT PROPERTY OR THE ENFORCEABILITY OR LEGAL CONSEQUENCES OF SUCH INSTRUMENT.
- 13. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM BERRIEN COUNTY GIS.
- 14. THE SUBJECT PROPERTY SHOWN HEREON FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITH THE ADJOINING PUBLIC RIGHT-OF-WAY AND/OR ADJOINING PARCELS WITH NO GAPS OR OVERLAPS.
- 15. IN REGARD TO ALTA/NSPS TABLE A ITEM 10, NO VISIBLE DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES WERE OBSERVED AT THE TIME THE FIELD SURVEY WAS PERFORMED, NOR WERE ANY DESIGNATED BY THE CLIENT.

SURVEYOR'S CERTIFICATE

TO: FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(A), 6(B), 7(B)(1), 7(C), 8, 9, 10, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 03/21/2023.

DATE OF PLAT OR MAP: 04/07/2023

PRELIMINARY

RONALD R. HARRIS PROFESSIONAL LAND SURVEYOR NO.: 4001041917

	STATE OF MICHIGAN	
		Surveying
		Engineering
	ULLA	Mapping
	& ASSOCIATE	S P A
BY		RIVE - FAYETTEVILLE, AR 72703
	EMAIL: SUI	RVEY@BLEWINC.COM
		3.4506 FAX: 479.582.1883 V.BLEWINC.COM
	SURVEYOR JOB NUMBER: 23-1742	SURVEY DRAWN BY: OZ - 04/07/2023
	- SURVEY REVIEWED BY:	SHEET:
	TLR	1 OF 1

City of Buchanan Planning & Zoning 302 North Redbud Trail, Buchanan, Michigan 49107 Phone (269) 695-3844 x 19 Fax (269)695-4330

General Information Application For Land Development (Complete application must be filed with the Zoning Administrator)

1. Applicant and Owner Information

Applicant(s) Principle Contact:	Property Owner(s) Principal Contact:
Name Flynn Restaurant Group	Name
Address 6200 Oak Tree Blvd, Suite 250	Address
City <u>Independence</u>	City
State <u>Ohio</u> Zip <u>44131</u>	State Zip
Telephone (317) 507-3881	Telephone
Secondary Contact:	Architect (if applicable):
Name	Name Jeanne Armando
Address	Address <u>5105 Tollview Dr., Suite 20</u>
City	City
State Zip	State Zip
Agent or Attorney:	Engineer (if applicable):
Name <u>Patrick J. Eulburg</u>	Name Civil and Environmental Consultants
Address <u>6200 Oak Tree Blvd, Suite 250</u>	Address <u>11 Municipal Drive, Suite 300</u>
City Independence	City <u>Fishers</u>
State <u>Ohio</u> Zip <u>44131</u>	State Indiana Zip 46037
Is this property held in a trust? [x] No Name of trust	[] Yes Note – for all trusts–Provide, as an attachment, a statement from the trustee verifying the names of all owners
Address City	State Zip

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2. Applicant and Purpose of Application

a. Applicant is (check one)

[] Property Owner [] Attorney [x] Agent

[] Other (specify)

b. This application is a request for the following City of Buchanan action (check the appropriate action(s) requested.

- [] Rezone of Property
- [] Land Division Approval
- [] Condominium Approval
- [] Other Action (please specify)
- [] Special Use Permit
- [] Zoning Variance(s)
- [x] Plan Review with Plan Commission

c. The reason for the requested action(s) are as follows:

The Project proposes to use the existing building and site for a proposed Quick Service and Drive through Restaurant. The site improvements consist of adding a drive through lane, reorienting the door and adding the needed sidewalk for ADA access.

d. The specific section(s) of the Zoning Ordinance or other City ordinance(s) which address the amendment, variance, or other action which is being requested:

The proposed project plans to abide by all Zoning Ordinance in regards to Zoning C-2, Commercial District.

e. The following questions must be answered <u>only</u> if the application contains 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 the property interest in the subject property?
 - [] Yes [] No
- (2) If the conditions were self imposed (not hardship), please explain why the variance should be granted?

3. Site and Surrounding Property Information

a. Common address or property location of subject property:

708 East Front Street, Buchanan, MI 49107			
b. Legal Desc	ription (Attach addit	ional sheet if necessary)	:
quarter of sec		n, range 18 west, accordi	vision of the part of the northwest ng to the plat thereof recorded in liber
c. Permanent I	Real Estate Tax Ident	tification Number: 11-58	- <u>0800-0018-01-6</u>
d. Parcel Size:	32,874	_ square feet	
	0.755	acres	
	132'	_ dimension of lot fronta	ge
	249'	_ dimension of lot depth	
e. What are the the site?		nd zoning on the land and ent Zoning	d adjoining parcels of land surrounding Current Use of Land
On Site	C-2, Commercial Di	strict	Restaurant
Property Abutt	ting – North of Site _	<u>C-2</u>	Gas Station
Property Abutt	ting – South of Site _	<u>R-3</u>	Senior Housing
Property Abutt	ting – East of Site	<u>C-2</u>	Retail
Property Abutt	ting – West of Site _	<u>C-2</u>	Retail
f. Describe any	v existing structures a	and the physical attribute	es of the site:

The site is completely developed with an existing one story building with parking and pavement on both sides of the building.

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Description of the Proposed Development

a. Please describe the proposed use of the land and/or buildings assuming approval of the request:

The proposed project will be a Quick Service Restaurant with a drive through.

b. What is the proposed time frame for the build – out of the proposed development?

c. Please describe the number of buildings, square footage of each building and the total square footage of the development along with the required number of parking spaces for each intended use:

Building Use	Number of Buildings	Building Area (sq. ft.)	Total Building (sq. ft.)	Req. Parking
Single Family				
Multi Family				
Retail	<u> </u>	328	2,400	7
Office				
Industrial				
Other				
Other please spe				
Building Use	cribe the number of w Water Connect	ater and sewer connect ions & Size	ions this development Sewer Connection	will require:
Single Family				
Multi – Family				
Retail		1.5"	<u> </u>	
Office				
Industrial				
Other				
Other please spe	ecify type of use			
Totals				

Page 4

e. Will the building w	"thin this proposed development house any hazardous materials at occupancy?
	[x] No
	[] Yes – Please continue by describing the type and quantity of materials:

4. Fire Department Approval of Site and Building Plans:

....

The City requires that the Fire Department must approve all site and building plans. This application and associated documentation must be approved by the Fire Chief or his designee. This approval can be arranged by calling the Fire Chief's office.

Approval Date:	Conditions Attached
By:	[] Yes [] No
Title:	

5. Required and Requested Attachments

- a. _____ Plat of survey with legal description.
- b. _____ Site plan of proposed use or project showing traffic patterns, parking locations and count, drainage patterns including detention areas, landscape plans, landscaping plans, exterior lighting locations and illumination pattern, building façade portrait and building size and location dimensions.
- c. _____ Floodplain / hazard map (engineers drawing or FEMA map showing location of subject project).
- d. Please include any additional comments or pertinent information below or on separate attachment to this application.

6. Signature and Declaratory Statement

a. Please describe the reason that this petition should be granted:

____<u>The proposed use of the property is consistent with the intended use of the associated zoning district.</u>_____

- b. Required Attendance at Public Hearing and / or Plan Commission Meeting(s): The Plan Commission and the Board of Appeals have established a policy requiring the applicant or a designed representative of the applicant shall be present at any meeting or public hearing at which the matter will be considered. Failure of the applicant or designee of the applicant to appear before the Plan Commission or Board of Appeals is ground to postpone consideration of the application.
- a. Declaratory Statement: I ______, 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 attendance responsibilities of the applicant as set forth in paragraph b above.

b. Date: June 22, 2023	
c. Applicant Signature:	Patrick J. Eulberg Vice President - Real Estate
d. Notary Public Certification Statement	
I <u>essica Mecklenburg</u> , Notary Public in and for the State of Ohio	
hereby state that on the day of	, 200, the above
captioned Applicant appeared before me and, under oath, stated that a	ll matters contained in this

JESSICA MECKLENBURG Notary Public, State of Ohio My Commission Expires: February 07, 2026 My commission expires 02/07/2020	
--	--

DIA

The following signature is required, for verification that this is a valid and complete application to be considered by the Plan Commission or Zoning Board of Appeals.

> ____Date ____ Zoning Administrator

Meeting date for initial review:

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CITY OF BUCHANAN, MICHIGAN SITE PLAN CHECKLIST ITEMS REQUIRED ON SITE PLAN

1. Site Plan Drawn to scale -1" = 100" or larger (example: 1" = 60", 1" = 50', 1" = 40' etc.) 2. Name of Project Noted.

- 3. Owner's and/or Developer's Name and Address Noted
- 4. Architect and or Engineer's Name and Address Noted
- 5. Date
- 6. Scales of Drawing Noted on Plan
- 7. Existing Topography Shown at Intervals Not Less than Two (2) Feet
- 8. Building Coverage Noted (percentage of total size and total square footage to be shown)
- 9. Total Number of Parking Spaces Noted and Shown on Drawing
- 10. Building Dimensions Shown
- 11. Indicate Height of Buildings
- 12. Street Names Indicated (Existing and Proposed)
- 13. Indicate Existing and Proposed Right-of-Ways
- 14. North Arrow Shown

15 Locate Existing and Proposed Sanitary Sewers, Storm Sewers and Water Mains (Note for purposes of site plan review the proposed utilities need only be shown roughly)

16.Locate any Existing and Proposed Storm Water Detention / Retention Areas

- 17.Locate Existing Trees and Plantings
- 18. Note Location of Proposed Plantings
- 19.Note Location of all Sidewalks

20.Rough Sketches Showing Architectural intent.

Item VII. A.