

Zoning Board of Appeals

Regular Meeting Agenda

Monday, July 28, 2014
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order
2. Roll Call
3. Election of Officers 2014-2015
4. Approval of Agenda
5. Approval of Minutes – March 24, 2014
6. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
7. New Business – PUBLIC HEARING

Goodwill Industries, Inc., is asking for three (3) variances for their proposed store located at 340 73 ½ Street. The variances would reduce the proposed side yard setback from the required 30 feet to 24 feet (south) and 20 feet (north). The applicant is also asking for a landscaping variance to reduce the front landscaping requirement from 25 feet to 10 feet. The parcel number for the subject property is 80-53-620-052-00. This application seeks variances from zoning ordinance sections 2405, 1-a, and 2406 1-a.

8. Other Business
9. Member Comments
8. Adjourn

RESPECTFULLY SUBMITTED,

Linda Anderson
Zoning Administrator

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

Zoning Board of Appeals

Regular Meeting Minutes

Monday, March 24, 2014
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.

2. Roll Call

Present: Bugge, Miller, Wheeler, Wittkop, Lewis
Absent: Boyd, Paull

3. Approval of Agenda

Motion by Bugge, second by Wittkop to approve the March 24, 2014 Regular Meeting Agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – October 28, 2013

Motion by Bugge, second by Miller to approve the October 28, 2013 Regular Meeting Minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

6. New Business – PUBLIC HEARING

Gerald Webb requests a rear yard variance for property located at 109 Brockway.

Anderson introduced the request for variance per the chairperson's request, as follows: Gerald Webb, 66 Lakeshore Drive, is asking for a rear yard variance for his property located at 109 Brockway. The variance will reduce the required rear yard setback from 25 feet to six (6) feet, four (4) inches. This is requested so that the applicant may adjust the property line to include the encroaching driveway on the

neighbor's property. The parcel number for the subject property is 80-53-837-008-00.

Anderson stated that this application seeks a variance from zoning ordinance section 403-c. and noted it is an unusual request. Noted there were different ways to approach this but the most logical approach is a rear setback variance. According to the applicant, the requested lot line adjustment will result in the applicant not having the required 25 foot setback.

Anderson noted one letter in opposition was received from Michael and Louise Kenny. ZBA members had a copy of that letter emailed to them.

Motion by Wittkop, second by Miller to open the public hearing.

All in favor. Motion carried.

Lewis asked if the applicant was present to state his case.

Gerald Webb, 66 Lakeshore Drive. Noted that his objective is to obtain a variance to obtain a cleaner set of circumstances for future property owners of either parcel. The construction of the single family home is not particularly prohibited, but as easements and other options were discussed with his attorney, he was advised to go with a lot line adjustment rather than an easement to prevent confusion for future property owners.

Lewis asked which properties the applicant owns. 109 Brockway and 508 North Shore, per Webb, are family owned. Bugge asked if this was purchased as a single property. Webb stated it was a single purchase for two properties. Bugge asked how it was listed; Webb cannot recall how it was listed but stated it was a single transaction.

Lewis asked for any other comments.

Pat Lennon, Honigman law firm, Kalamazoo, representing Jay and Julie Alexander of 108 Brockway: Reviewed all the information and feels this application does not meet the standards required for a variance. The scope of the request is eighteen and one half (18.5) feet off a twenty-five (25) foot setback; that is a seventy-five percent (75%) request for relief. Lennon stated that is way too large and doubts if historically the board has granted variances of that scope.

Regarding considerations one (1) through nine (9) in the ordinance, Lennon does not think any of the criteria are met; "granted, if even one standard is not met you must deny the request." Lennon identified the request as inconsistent because the applicant can build on the property as it is if he meets the standards of the zone. The structure the applicant wants to build wraps around the corner; our client's view is

that it is not consistent with the Brockway neighborhood. When you look at the intended use of the property, Lennon and his clients see all of the issues as entirely self-created. The applicant wants to build something bigger because that is his preference and that is the core reason Lennon and his clients think the board should deny the request plus the absence of topographical, physical or other issues that would create the need for a dimensional variance. This should be very influential to the decision. They strongly believe that the application should be denied.

Lennon stated that he thinks the city has an obligation to enforce its ordinance and noted, "I have been before you before and heard that from you." Noted he is glad to answer any questions the board might have. Stated that he has some questions for the city regarding easements, lot line adjustments, and so forth, but that is for another day. Tonight our discussion is about the variance request and we encourage you to deny the variance.

Michael Kenny, 3765 Fleetwood Drive, Portage Michigan has a cottage or house on lot #C490 at the corner of Brockway and Park Avenue. Request that the movement of the northern boundary of lot #C519, moving south, requiring a six foot (6') setback in order to put a house there, be denied. When Kenny built his house, he was required to have a thirty-five foot (35') rear yard setback and while he would have built his house bigger he was unable to do that. Kenny stated that he knew the previous owner, Evert Harrison, personally and Harrison's intent was that those properties formed an estate, which is why the driveway was so far south. Kenny stated that Webb knew this and all the conditions and boundaries when he purchased the properties. Kenny stated, "I feel this request is a lot of gerrymandering and the person who purchased the pig in a poke should live with the lot sizes and find some other way to build a house he wants."

Webb requested a rebuttal. Stated that he is not clear on what the opposing parties' objectives or opposition is on the construction of this home as proposed. "Construction of the home as proposed does not seem to go against the ordinances as they are today; this request provides no individual benefit to myself. This is a responsible act to help future owners avoid conflict. What impact will this request have on the opposition? The home can still be built as proposed without the variance. The home is consistent with the size of other homes in the neighborhood. What is the particular issue? I have not heard anything but general objection." According to Webb, the opposition did not articulate to any of the nine points other than discussing variance conditions that he felt were off topic to be required. The request, as the applicant read it, was not addressed by topographical issues or otherwise. The most important issues, if the neighbors have particular issues, whether the variance is granted or not, Webb stated he would like to work with them.

Lewis requested discussion by the board.

Bugge: On the survey, clarify whether currently this property actually has frontage on both Brockway and North Shore Drive, and is over 11,000 sq. ft. Webb could not respond as he did not have the survey in front of him. Anderson provided Webb with a copy of the survey. Bugge pushed for an answer. Webb responded, "Yes, it does appear that the property is as stated." Bugge asked why, on the survey, the surveyors indicate a portion as "parcel two"? Webb responded the surveyors did it that way. Bugge commented that the surveyors would have drawn it the way Webb requested it. Webb stated that his request of the surveyors was to take portions of the land where paving were encroaching and relieve the encroachment. Bugge asked if the boundary lines are as they were originally. Webb stated that the boundary lines as indicated on the survey are correct.

Webb noted, in regards to the setback, if the nineteen feet (19') or so that is being requested, if we were to adjust the boundaries and comply with both of those setbacks, would remove nineteen feet (19') off the structure which would be smaller and more inconsistent with the neighborhood.

Bugge asked if different parts of the parcel could be used differently. Webb stated that it could be done, but the house would be much smaller, more like a shed or garage. Bugge suggested that perhaps the structure could be located elsewhere on the lot.

Wittkop noted that the person who buys the property where you propose to build the house would be stuck with a six foot (6') rear setback. Webb explained that the alternative Anderson suggested is an easement, but that would just make that land essentially no ones and everything would stay the same and they would still have a 6' backyard. It would just be a condition of how the land was titled and used. 508 North Shore could still use the driveway, but it would be owned by the owner of the property on Brockway. Webb noted that he thinks his variance request is a more responsible way to approach the situation.

Lennon stated that his clients welcome the opportunity to work with the neighbors, but as we hear the objections it is a reminder that the ordinance is supposed to be upheld and only rarely should a variance be granted. Webb stated that he could still build without the variance but it would be smaller.

The board advised that if the applicant can build something that complies that is what he should do; the applicant could do a variety of things on that property, such as place the home on the North Shore property line.

Lennon pointed out, "Tonight we are here to talk about whether you (the board) should grant this application and my clients and I say 'no' because none of the criteria have been met. Not only have they not been met, the applicant has even admitted that he could build something there without the variance being granted.

Bugge asked which properties the Kenny's own which Anderson noted is Lot 7 on the survey and "right next door" per Lennon.

Motion by Wittkop, second by Bugge to close the public hearing.

All in favor. Motion carried.

Lewis called for discussion from the board.

Anderson reminded the board that discussion has to include discussion of the standards.

Lewis began by reading Standard 1.

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

Bugge noted that the requested backyard setback changes the character of the surrounding neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

Lewis stated the intent of the ordinance is to keep the neighborhood character.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

Bugge pointed out that there are no physical conditions existing such as shape or topography of the property that requires a variance for a house to be built, and the encroachment could be improved in alternate ways.

Wittkop noted that Harrison owned all of the property in question.

Lewis pointed out that there is only a fifty foot (50') frontage on either street, Brockway and North Shore Drive, while sixty feet (60') is required.

Bugge noted this is a platted lot.

No other comments received.

Standard 4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Bugge believes that without the variance a residence can still be built there.

No other comments received.

Standard 5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Lewis said this request is not usual; the board does not get this type of request every day.

No other comments received.

Standard 6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

Lewis said since the property owner owns both pieces and is currently using them as one piece, this is essentially a self-created situation.

Bugge added that although the current owner did not create this condition, the property was purchased knowing of this condition; it could be called self-created in that he wants to split off a portion of one lot to make room to build another structure on the adjacent lot.

No other comments received.

Standard 7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Lewis noted the property could still be built upon; it might be small but could still be built.

No other comments received.

Standard 8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

No comments received.

Standard 9. That the variance will relate only to property under the control of the applicant.

This is true, per Lewis.

No other comments received.

Lewis called for discussion.

Bugge expressed her feeling that there are other options the owner could explore in order to have greater flexibility with the property.

Wittkop stated, "I would agree with that; the property is buildable but restricted on what could be built. That is true of many properties."

Lewis stated that only once during his many years on the Zoning Board of Appeals, was a variance granted for a new building on a property that is buildable.

Lewis called for a motion.

Motion by Wheeler to deny the variance request for 109 Brockway because it does not meet Standard #3 or Standard #7. Second by Bugge.

A roll call vote was taken. A yes vote is to deny the variance request.

Ayes: Bugge, Miller, Wheeler, Wittkop, Lewis

Nays: None

Motion carried.

Variance denied.

7. Other Business – Approval of 2014 Meeting Schedule

After discussion, motion by Wittkop, second by Bugge to approve the 2014 Meeting Schedule as adjusted:

January	27
February	24
March	24

April	28
May	19
June	23
July	28
August	25
September	22
October	27
November	17
December	15

All in favor. Motion carried.

8. Member Comments

There were none.

8. Adjourn

Motion by Miller, second by Bugge to adjourn at 7:42 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #7 Goodwill Industries Variances

City of South Haven

Background Information: Goodwill Industries, Inc., is asking for three (3) variances for their proposed store located at 340 73 ½ Street. The variances would reduce the proposed side yard setback from the required 30 feet to 24 feet (south) and 20 feet (north). The applicant is also asking for a landscaping variance to reduce the front landscaping requirement from 25 feet to 10 feet. The parcel number for the subject property is 80-53-620-052-00. This application seeks variances from zoning ordinance sections 2405, 1-a, and 2406 1-a. (This property is located within the I-196 Corridor, Area A. It does not front on the corridor but all shopping area properties were included in anticipation of future redevelopment. A copy of the Corridor Overlay text is included in this agenda.)

Recommendation: Staff recommends that the ZBA members review the application, staff findings of fact and the physical property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance.

Support Material:

Completed application
Aerial photo of property
Staff Findings of Fact
Corridor Overlay Zoning Ordinance

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: July 28, 2014

ADDRESS: 340 73 ½ Street

ZONING DISTRICT: B-4 with Overlay

LOT DIMENSIONS: 311 feet on sides (average); 148 feet rear and 156 feet along frontage

LOT AREA: 1.17 acres (51,261 sq. feet)

LOT COVERAGE: NA

REQUIRED SETBACKS: Front – 50'; Rear – 30'; Side – 30'

EXISTING SETBACKS: Vacant

PROPOSED SETBACKS: Front – 60'; Rear – 54'; Side – 24'/20'

VARIANCE REQUEST: Goodwill Industries, Inc., is asking for three (3) variances for their proposed store located at 340 73 ½ Street. The variances would reduce the proposed side yard setback from the required 30 feet to 24 feet (south) and 20 feet (north). The applicant is also asking for a landscaping variance to reduce the front landscaping requirement from 25 feet to 10 feet. The parcel number for the subject property is 80-53-620-052-00. This application seeks variances from zoning ordinance sections 2405, 1-a, and 2406 1-a. (This property is located within the I-196 Corridor, Area A. It does not front on the corridor but all shopping area properties were included in anticipation of future redevelopment. A copy of the Corridor Overlay text is included in this agenda.)

DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

This is an area of mixed commercial uses and will likely remain so. The variances requested do no result in unnecessarily short distances between buildings. The plan was developed in accordance with the B-4 requirements and would comply except for the overlay zone of which the applicant was unaware. Staff does not find a detriment to the neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

It is the intent of the B-4 zoning district to provide area for those businesses which serve a larger area than the City of South Haven. Uses in this zone are also expected to serve the motorists along I-196. The Corridor Overlay Zone was “established to enhance the quality and compatibility of development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop”. The subject property, while not located adjacent to the corridor, does lie in the overlay area A. Because the site does not front of the Phoenix Road/ I-196 Business Loop, there is little evidence that the variances will impair the intent of the B-4/Overlay zoning district.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical

difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

There is no minimum lot size or frontage requirement in the B-4 zone. The lot is buildable and all setbacks could be met except for the overlay requirements. There does not appear to be exceptional or extraordinary circumstances with the parcel.

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The applicant explains in the narrative that the lot is of limited width and the imposition of the overlay side setback requirements results in limited land available for the building and vehicular movement. He also notes that other businesses in this immediate area were not as restricted as they were established prior to the adoption of the overlay zone. Staff finds this to be true and also finds no financial motivation for the request. The fact that this property fronts on 73 ½ Street as opposed to Phoenix Street and will never front on Phoenix Street may be cause for relief.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

This is an unusual situation. Staff does not recommend amending the zoning ordinance to accommodate this situation.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

The problem is not self-created except in terms that the applicant purchased the property expecting to comply with the B-4 zoning rules and was unaware of the overlay requirements.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

Strict compliance would not prevent a business from being constructed but would require a reconfiguration of the site and store. Whether that is unnecessarily burdensome is a decision for the ZBA.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

The applicant is asking for the minimum variance necessary to build the planned facility.

9. That the variance will relate only to property under the control of the applicant.

The variance request only involves the property owned by the applicant.

ZONING VARIANCE REQUEST
CITY OF SOUTH HAVEN
BUILDING DEPARTMENT
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090
FOR INFORMATION CALL 269-637-0760

NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.

Name: John Dillworth, CEO, Goodwill Industries Date: 7/8/2014
Address: 420 E. Alcott, Kalamazoo, MI 49009 Phone: 269-382-0490
Address of Property in Question: 340 73-1/2 St., South Haven, MI 49090 Present Zoning of Property: B-4 w/ M43/I196 overlay
Name of Property Owner(s): Goodwill Industries of Southwest Michigan
Dimensions and area of property 1.17 acres, dimensions vary see attached drawings
Dimensions of all buildings on the property (also shown on a diagram) 70'x90'/113'-8" with 45'x24'-8" covered drop off

Setback measurements of all structures on the property (also shown on diagram)
North = 20'-0" to roof, South = 32'-8" to roof, East = 146'-8" to roof, West = 53'-3" to roof

Present Zoning of Neighboring Properties to the :
B-4 w/ B-4 w/ B-4 w/ B-4 w/
North Overlay South Overlay East Overlay West Overlay

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): 2405 and 2406 of the M43/I196 business loop overlay

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

see attached

2. Such variance will not impair the intent and purpose of this Ordinance.

see attached

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

see attached

4. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. see attached

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

see attached

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

see attached

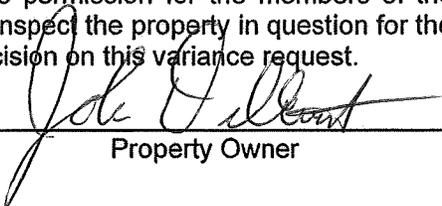
7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

see attached

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
see attached

9. That the variance will relate only to property under the control of the applicant
see attached

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.



Property Owner

7-8-14
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.



Applicant Signature

7-8-14
Date

Zoning Variance Request

1. The requested variance will not be detrimental to adjacent property and the surrounding neighborhood as all of the existing development on the adjacent property was existing prior to the enactment of the M43/I196 business loop corridor overlay district, we are asking only for relief to meet the same standards the existing adjacent properties were asked to meet.
2. The site for this project presents a unique situation in that it is a narrow lot on a curved section of 73-1/2 street. The lot has deeded access to the parking lot to the west which allows for access up to Phoenix road and in this configuration this site does not have street frontage on a major thoroughfare. The only street frontage for the lot is on 73-1/2 street with only county drain and I-196 ramp on the east side of the street. Due to the uniqueness of the site we feel that this variance request will not impair the intent and purpose of the Ordinance.
3. The site in discussion is a narrow lot with a curving street frontage. The width of the site makes it difficult to meet the 30' side yard setbacks and still provide adequate vehicular circulation for both small vehicles and large delivery/pickup vehicles. The building has been configured in such a way as to allow for a loading dock area in the rear with the ability to get larger trucks in to the dock while still allowing for other site circulation on the south side of the site. The adjacent building to the south is only approximately 10' from the property line so to help maintain an adequate building separation the site circulation happens on the south side of the lot. The existing Arby's building to the north is pushed to the north toward Phoenix Road away from our lot. The 20' setback required in the B-4 zoning district is able to be met. The building size combined with the parking needed for the intended use abuts the B-4 zoning district parking setback on all sides due to the narrowness of the site and the curved street frontage. All of these factors create the practical difficulty to meeting the overlay district requirements.
4. The overlay district requirements apply an additional burden on the development of this site not experienced by adjacent parcels as this lot is located on the curve of 73-1/2 street and is a narrow width both of which compound the issues of trying to meet the overlay district requirements. The 30' side yard setbacks would require a 10' narrower building for this site and the 10' side yard greenbelt requirements would require the parking areas to be 10' narrower as well. These two additional requirements along with the 25' front yard greenbelt requirement that will not allow the building and parking areas to be lengthened if they are narrowed, put undo burden on the development of this site.
5. The situation of this parcel is not common for the surrounding lots, this parcel is unique in that it is a narrow lot with no major street frontage and the street frontage that it has is located on the curve of 73-1/2 street.
6. The lot size and location are not a result of anything the owner has done on the site. The width of the lot is tight but works with the building design if the regulations of the B-4 zoning district are in force, with the newly enacted overlay district in force the narrow width and curved street frontage cause problems to achieve the necessary parking count and building area along with the loading zone needed.

7. The strict compliance with the setback and landscape requirements of the overlay district are unnecessarily burdensome for this existing narrow and curved site configuration, the original zoning requirements of the B-4 district are able to be achieved in the space of the existing site.
8. The variance requested is to comply with the B-4 district zoning requirements which is a minimal request as related to the existing narrow and curved site as well as in comparison to the adjacent parcels.
9. The site located at 340 73-1/2 street, South Haven, MI 49090 is the only parcel requesting the described variance.

PHOENIX STREET

S88°02'20"W
M=399.92'
R=400.00'

N. 1/4 POST SECTION 11
T. 1 S., R. 17 W.
SOUTH HAVEN TWP.
(FD. 1/2" REBAR IN MON. BOX)
BACK/CURB -NORTH- 14.46'
SIGN POST -S40°W- 76.35'
SIGN POST -N78°E- 73.80'
IN THE CENTER OF WEST BOUND LANES OF PHOENIX ROAD

SITE DATA:

PROPERTY OWNER: JOHN DILLWORTH
GOODWILL INDUSTRIES OF SOUTHWESTERN MICHIGAN
MICHIGAN 4200 E. ALCOTT STREET
KALAMAZOO, MI 49001
PROPERTY ADDRESS: 540 75 1/2 ST., SOUTH HAVEN, MICHIGAN 49090
ARCHITECT: SCHLEY ARCHITECTS
4200 S. 9th STREET
KALAMAZOO, MI 49009
TEL: 269-375-8366

FURNISHED LEGAL DESCRIPTION:
SITUATED IN THE CITY OF SOUTH HAVEN, VAN BUREN COUNTY, MICHIGAN
PER CHICAGO TITLE INSURANCE COMPANY TITLE NO: 800633433NBU

COMMENCING AT THE NORTH QUARTER POST OF SECTION 11, TOWN 1, SOUTH RANGE 17 WEST; THENCE SOUTH 88°02'20" WEST ON NORTH SECTION LINE 399.92 FEET (ALSO RECORDED AS 400.00 FEET); THENCE SOUTH 0°02'20" EAST PARALLEL WITH THE NORTH AND SOUTH QUARTER LINE 324.54 FEET TO BEGINNING; THENCE CONTINUING SOUTH 0°02'20" EAST TO A POINT 472.78 FEET SOUTHERLY OF THE NORTH SECTION LINE; THENCE NORTH 89°36'44" EAST 927.00 FEET; THENCE NORTH 66°49'47" EAST 36.10 FEET TO THE WESTERLY LINE OF 73RD STREET; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO A POINT NORTH 88°06'16" EAST OF BEGINNING; THENCE SOUTH 88°06'17" WEST 284.79 FEET TO BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO PHOENIX ROAD AS CREATED, LIMITED AND DEFINED BY THE AGREEMENT DATED JULY 17, 1980, AS RECORDED JULY 18, 1980 IN LIBER 715 ON PAGE 278, VAN BUREN COUNTY RECORDS.

PROPERTY SIZE: = 51,261 S.F. (1.17 ACRES)
PRESENT LAND USE: VACANT LOT/ PARCEL
PRESENT ZONING: "B4" MAJOR THOROUGHFARE BUSINESS
PROPOSED LAND USE: RETAIL STORE
PROPOSED BUILDING TYPE CONSTRUCTION: TYPE III - ONE STORY METAL BUILDING

PROPOSED BUILDING HEIGHT: 31'-11" AT MIDPOINT OF HIGHEST ROOF.
MEAN ROOF HEIGHT TO MEET CURRENT ZONING REQUIREMENTS

MINIMUM SPACING BETWEEN BUILDINGS: 20'-0"

LAND USAGE: RETAIL BUILDING = 14%
PAVEMENT AND WALKS INCLUDING LOADING DOCK AREA = 58%
LANDSCAPING AND GREEN SPACE = 27%
PARKING REQUIREMENTS: (ONE STALL FOR 150 SQ. FT. OF USABLE FLOOR AREA AS PER ORDINANCE)

ONE BARRIER FREE MIN. PER 25 REQ. SPACES
FIRST FLOOR = 5400 USABLE SF / 150+ SPACES
TOTAL PARKING SPACES REQUIRED+ 36 SPACES
PARKING SPACES PROVIDED:
(48) SPACES @ 9' x 20'
(2) SPACES @ 9' x 20' + 8' AISLE BARRIER FREE
TOTAL PARKING SPACES PROVIDED= 50 SPACES

LOADING AREA= NONE- LOADING DOCK FOR (2) SEMI TRUCKS
ALL FLOOR DRAINS TO BE CONNECTED TO SANITARY SEWER

EROSION AND SEDIMENT CONTROL WORK SHALL COMPLY WITH STANDARDS AND SPECIFICATIONS OF CITY OF SOUTH HAVEN, MICHIGAN
HAZARDOUS MATERIALS RIGHT- TO- KNOW FORM SHALL BE SUBMITTED WITH BUILDING PLANS

ALL PAVEMENT MARKINGS AND TRAFFIC SIGNS SHALL CONFORM TO "MMUTCO" CURRENT EDITION.

BUILDING CODE: MICHIGAN 2009 BUILDING CODE.
OCCUPANCY USE GROUP "M"= MERCANTILE AND "S-1" = MODERATE-HAZARD STORAGE

THIS SITE IS NOT LOCATED IN A FLOOD PLAIN
SIGNS: ALL SIGNS SHALL CONFORM TO CITY OF SOUTH HAVEN ZONING CODE AND BE SUBMITTED FOR SEPARATE PERMITS.

SITE LIGHTING:
A. PARKING LOT LIGHTING SHALL BE "OFF" DURING NON-OPERATIONAL HOURS- 9:00 AM. TIL 4:00 P.M.
B. ALL EXTERIOR LIGHTING SHALL BE CONTROLLED BY PHOTOCELL AND TIMER
C. SOFFIT DOWNLIGHTS SHALL BE 175W MAXIMUM

D. ALL OUTDOOR LIGHTING WILL BE INSTALLED AND MAINTAINED CONSISTENT WITH SOUTH HAVEN ZONING CODE. ALL EXTERIOR LIGHTS SHALL BE SHIELDED AND SCREENED SO THAT NO LIGHT WILL GLARE DIRECTLY ONTO ANY PUBLIC RIGHT OF WAY OR INTO ADJACENT PROPERTY.

LANDSCAPING: AS SHOWN ON DRAWINGS, AND AT MINIMUM CONFORM TO SOUTH HAVEN ZONING REQUIREMENT FOR TYPE OF USE
GENERAL CONTRACTOR WILL PROVIDE NECESSARY SOIL BORINGS AS DIRECTED BY THE CITY.

CONTRACTOR WILL ALSO PROVIDE REQUIRED PERMEABILITY TESTS WHICH INCLUDE GROUNDWATER INFORMATION.
APPROPRIATE PERMITS TO BE OBTAINED FROM CITY OF SOUTH HAVEN, MICHIGAN.

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APPROPRIATE PERMITS TO BE OBTAINED FROM CITY OF SOUTH HAVEN, MICHIGAN.

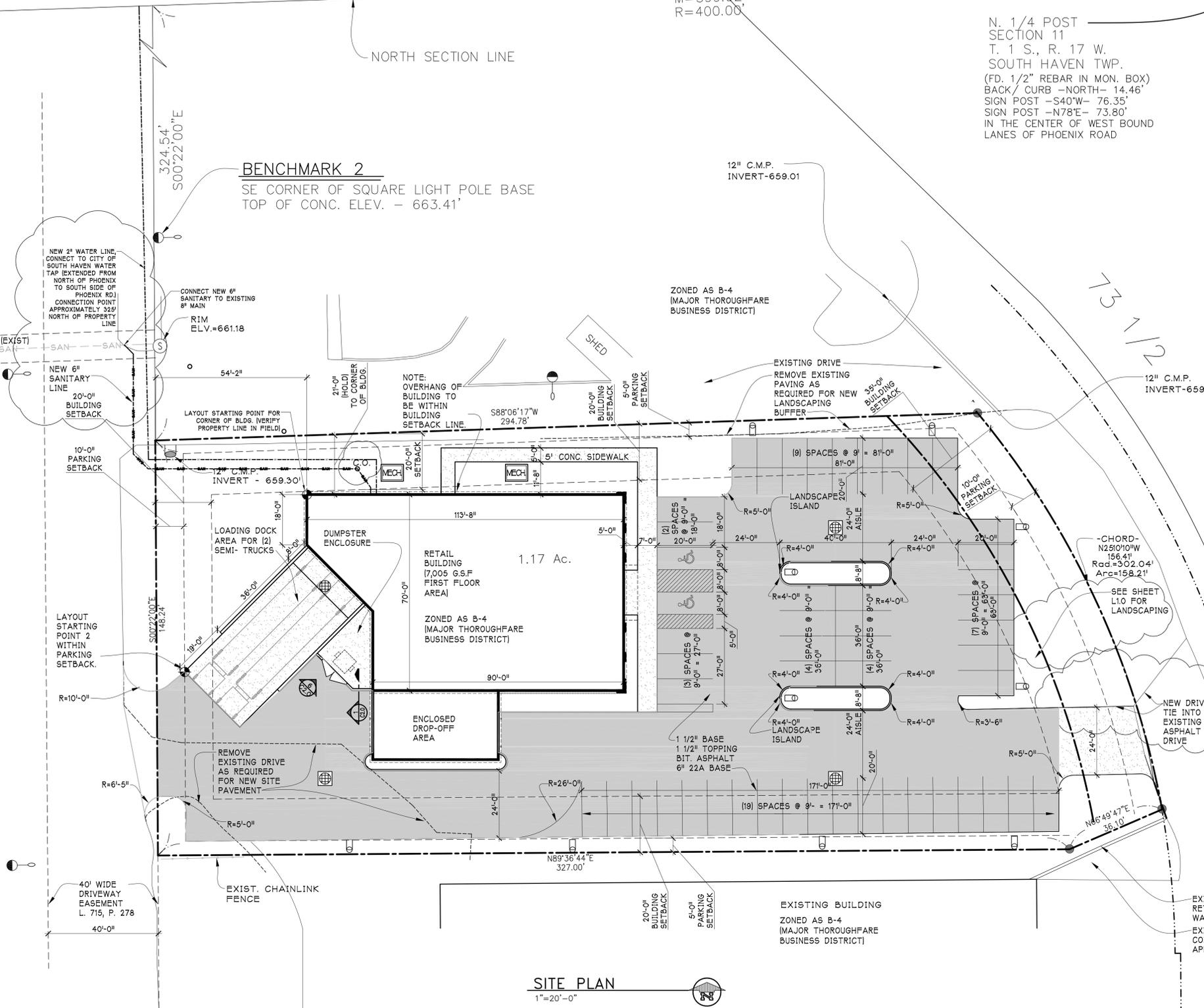
CONTRACTOR WILL ALSO PROVIDE REQUIRED PERMEABILITY TESTS WHICH INCLUDE GROUNDWATER INFORMATION.
APPROPRIATE PERMITS TO BE OBTAINED FROM CITY OF SOUTH HAVEN, MICHIGAN.

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APPROPRIATE PERMITS TO BE OBTAINED FROM CITY OF SOUTH HAVEN, MICHIGAN.

S00°22'00"E

STREET



SITE PLAN
1"=20'-0"

GENERAL NOTES

- 1 NOT USED
- 2 APPROPRIATE PERMITS TO BE OBTAINED FROM THE CITY OF SOUTH HAVEN.
- 3 AN EMERGENCY KEY BOX FOR FIRE DEPARTMENT ACCESS WILL BE PROVIDED. KEY BOX LOCATION TO BE DETERMINED UPON SUBMITTAL OF BUILDING PLANS.
- 4 A FIREFIGHTER RIGHT- TO - KNOW HAZARDOUS MATERIALS RIGHT- TO- KNOW FORMS TO BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- 5 NOTE: THIS DRAWING WAS PRODUCED BASED FROM A TOPOGRAPHIC SURVEY PROVIDED BY MITCHELL AND MORSE LAND SURVEYING. REFER TO SUPPLEMENTARY SURVEY SHEET #S INCLUDED WITH THIS SET FOR EXTENSIVE LOCATIONS OF SECTION LINES (NOT SHOWN ON THIS SHEET). ALSO IF ELEVATIONS DIFFER THAN WHAT INDICATED, CONTACT ARCHITECT PRIOR TO PROCEEDING WITH WORK.

NOTE:
ALL UTILITIES TO BE UNDERGROUND

72 HOURS BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

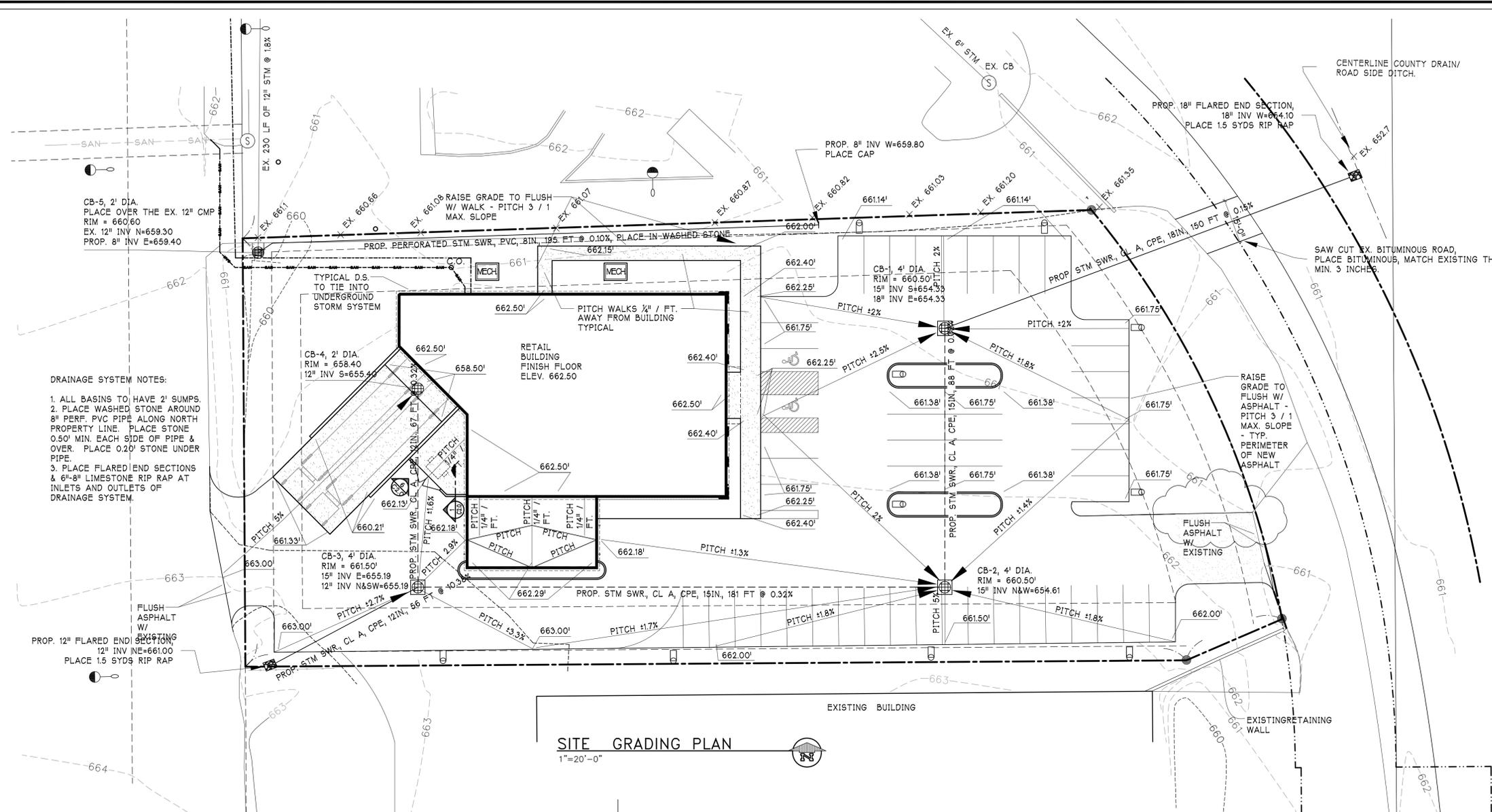
Schley Architects
4200 S. 9th Street, Kalamazoo, Michigan 49009
Tel: 269-375-8366 / Fax: 269-375-8366 / Email: info@schley-arc.com

New Retail Store for:
Goodwill Industries
South Haven, Michigan

Project #
13-122

Date: April 3, 2014
REV.: JULY 7, 2014
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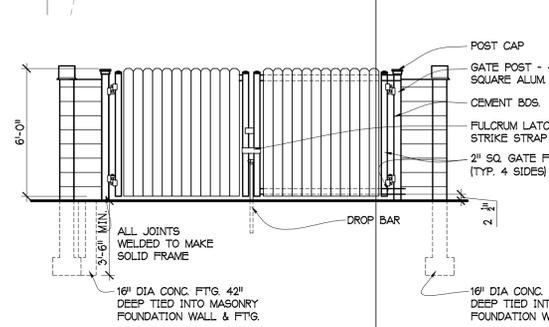
C1.0



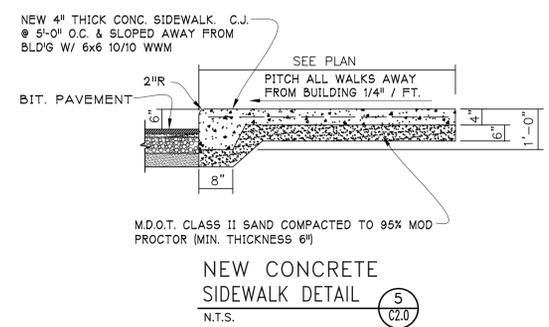
- ### GENERAL NOTES
- REMOVAL ALL SITE SURFACE FEATURES WHICH ARE NOT SPECIFICALLY NOTED, BUT ARE REQUIRED TO BE DEMOLISHED TO COMPLETE THE CONTRACT WORK.
 - DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES
 - PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL RULES AND REGULATIONS. ALL SUCH MEASURES WHETHER OR NOT SHOWN ON THE DRAWINGS SHALL BE MAINTAINED IN GOOD FUNCTIONAL CONDITIONS, AND WILL BE SUBJECT TO PERIODIC INSPECTIONS BY THE GOVERNING AGENCIES. REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES UPON COMPLETION OF WORKS AND AFTER PROVIDING PERMANENT GROUND COVER. WALKS ALLOW FOR THICKNESS OF SOIL, TOPSOIL, PAVEMENTS, ETS. AS APPLICABLE.
 - SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO PROVIDE POSITIVE DRAINAGE
 - SUBCONTRACTOR SHALL USE EXTREME CAUTION WHEN WORKING IN THE VICINITY OF EXIST UTILITIES AND SHALL TAKE NECESSARY PRECAUTIONS (SHORING, BRACING) TO PROTECT EXISTING UTILITIES. ANY DAMAGE SHALL BE RESTORED AT HIS COST.
 - FINAL GRADING AND PAVING ELEVATIONS SHOWN ON THIS SHEET REQUIRE OVERALL COORDINATION BY CONTRACTOR TO ASSESS CONSTRUCTION DEVELOPMENT AND ACTUAL SIZE CONDITIONS WHICH MAY REQUIRE ADJUSTMENT OF FINAL GRADING AND PAVING TO MEET INTENDED PROJECT DESIGN REQUIREMENTS. GENERALLY PAVING GRADES ARE INTENDED TO BE POSITIVE TO DRAIN BARRIER FREE AND ADA PARKING AREA SHALL BE AT ± 2%. CONFLICTS WITH THE PAVING DESIGN AND/ OR WHICH ARE ANY CONCERN TO THE CONTRACTOR SHALL BE BROUGHT TO THE ARCHITECTS ATTENTION FOR COMMENT BEFORE PROCEEDING WITH WORK.

- ### SOIL EROSION AND SEDIMENTATION CONTROL
- ALL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO STANDARDS AND SPECIFICATIONS OF CITY OF SOUTH HAVEN, MICHIGAN
 - DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENT CONTROL MEASURES, AND ANY NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
 - EROSION AND ANY SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON ANY OFF-SITE AREAS OR IN WATERWAYS. WATERWAYS INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND PONDS.
 - EROSION AND SEDIMENT CONTROL MEASURES ARE NOT TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENT CONTROL PRACTICES WILL BE APPLIED AS A PERIMETER DEFENSE AGAINST ANY TRANSPORTING OF SILT OFF THE SITE.
 - CONTRACTOR SHALL APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. HE SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
 - ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROLS ARE IMPLEMENTED. ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE CERTIFICATE OF OCCUPANCY IS ISSUED.
 - ALL MUD AND DIRT TRACKED OR SPILLED ON PAVED ROAD SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY CONTRACTOR OR BUILDER.
 - INSTALL SILT FENCE AROUND ANY AND ALL EARTHWORK OPERATIONS

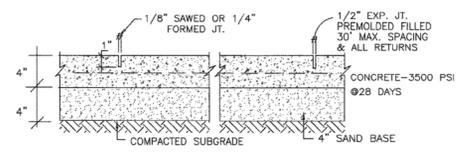
SITE GRADING PLAN
1" = 20'-0"



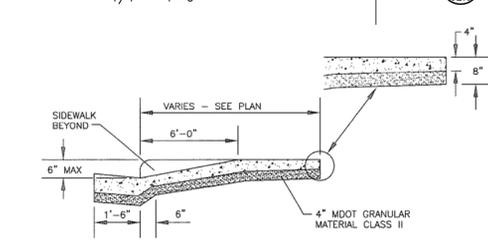
ELEVATION AT REFUSE ENCLOSURE
1/4" = 1'-0"



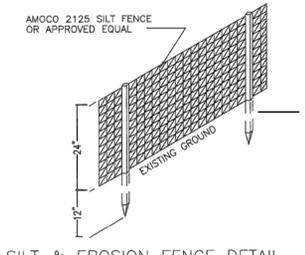
NEW CONCRETE SIDEWALK DETAIL
N.T.S.



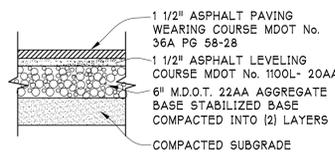
SECTION CONC. WALK PAVING DETAIL
N.T.S.



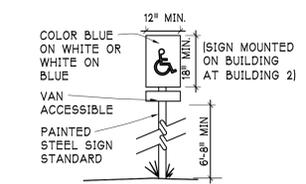
BARRIER FREE RAMP WITH GUTTER
NOT TO SCALE



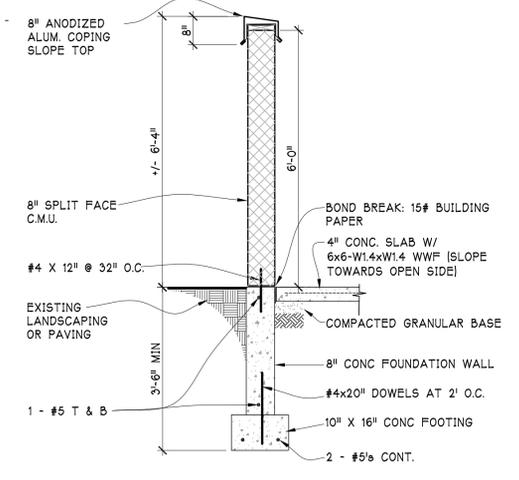
SILT & EROSION FENCE DETAIL
SCALE: NONE



NEW ASPHALT PARKING DETAIL
N.T.S.



ADA/BF SIGN
N.T.S.



WALL SECTION @ REFUSE ENCLOSURE
1/2" = 1'-0"

Scoley Architects
 4200 South 9th Street, Kalamazoo, Michigan 49009
 Phone: 269-335-8660 / Fax: (269) 375-8666 / Email: info@scoley-arc.com

New Retail Store for:
Goodwill Industries
 South Haven, Michigan

Project # **13-122**
 Date: April 3, 2014 | REV.: JULY 7, 2014
 Rev: June 13, 2014 | REV.: JULY 7, 2014
 Copyright © 2014, Scoley Architects, Inc.

C2.0

PLANT LIST:

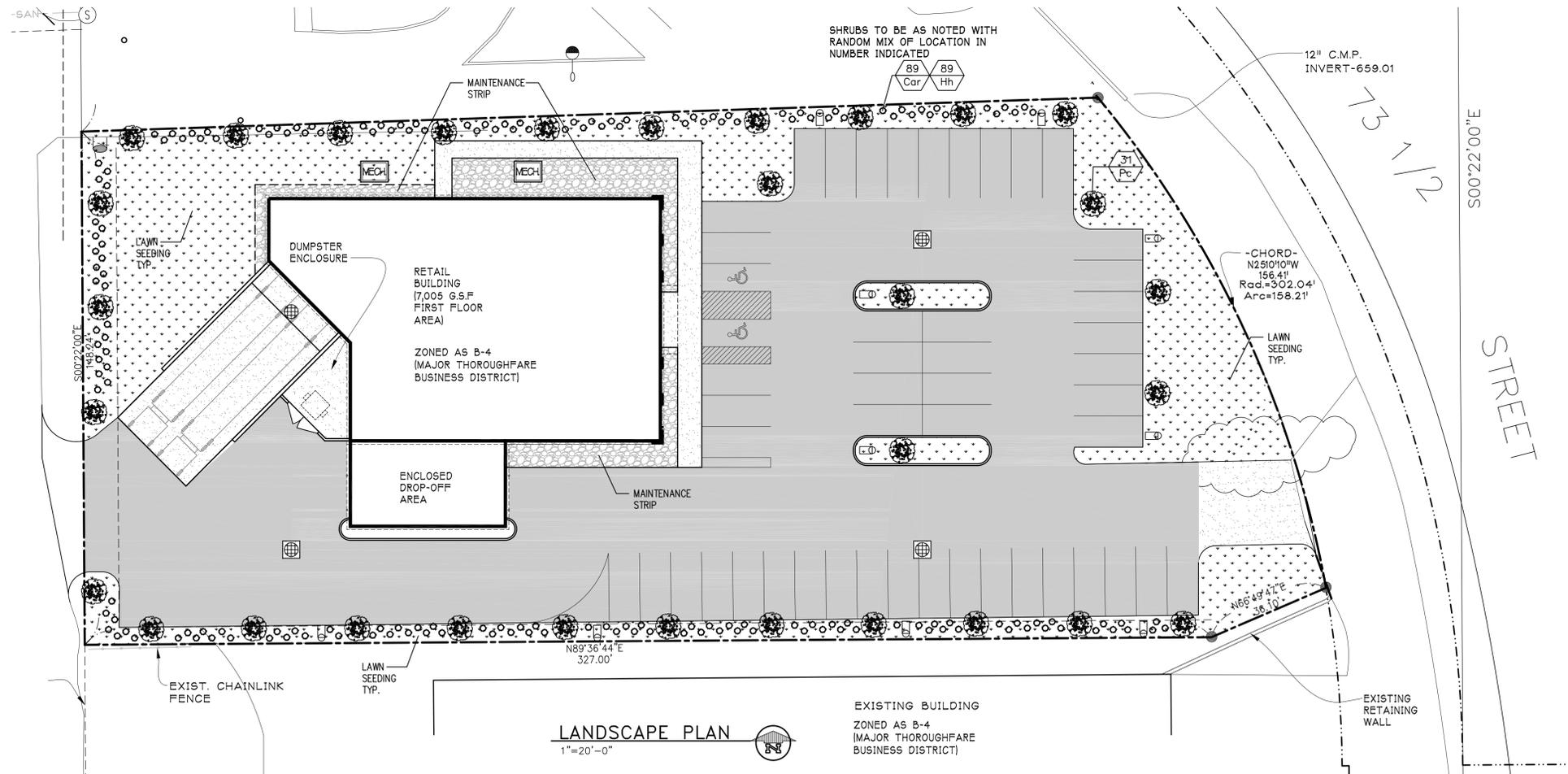
SYM.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	COM.
DECIDUOUS TREES	Pc Pyrus calleryana	Cleveland Pear	1-2" Cal.	B&B	
SHRUBS	Hh Car Hypericum patulum "Hidcote" Cornus alba "Red Gnome"	Hidcote Hypericum Regrazm Siberian Dogwood	2' Ht. 2' Ht.	Cont. Cont.	

PROPOSED FEATURES LEGEND:

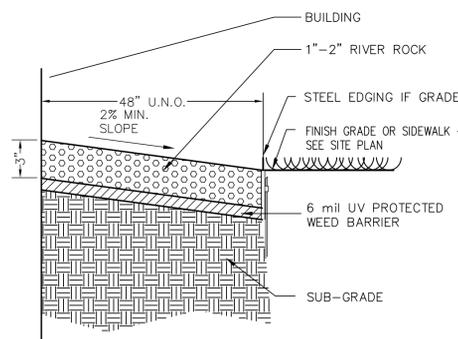
SYMBOL	DESCRIPTION	DETAIL
	DECIDUOUS TREES	1 / L1.0
	SHRUB	2 / L1.0
	LAWN SEEDING	
	MAINTENANCE STRIP	4 / L1.0
	STEEL EDGING	3 / L1.0
	PLANT TAG- REFERS TO TYPE AND NUMBER OF PLANTINGS TO BE PROVIDED AND MAINTAINED BY CONTRACTOR.	

LANDSCAPE NOTES:

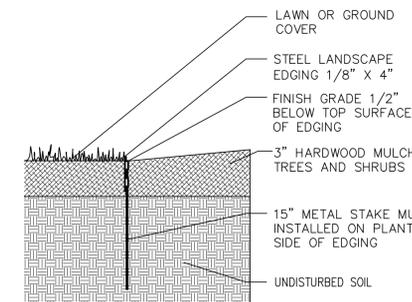
1. SURVEY OF EXISTING CONDITIONS PROVIDED BY MITCHELL & MORSE SURVEYING, SOUTH HAVEN, MICHIGAN.
2. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
3. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE ARCHITECT IMMEDIATELY FOR RESOLUTION.
4. IN AREAS OF NEW TURF PLACE 4" MINIMUM TOPSOIL, FINE GRADE & ESTABLISH TURF WITHIN SEED LIMIT LINES.
5. PLACE SHREDDED HARDWOOD MULCH TO A 3" DEPTH IN ALL TREE & SHRUB BEDS & TO A 2" DEPTH IN ALL GROUND COVER BEDS.
6. UNLESS OTHERWISE NOTED TOPSOIL, FINE GRADE AND SEED ALL DISTURBED AREAS WITHIN THE SEEDING LIMIT SHOWN AND AREAS DISTURBED BY CONSTRUCTION.
7. REPAIR AND RESTORE ANY DAMAGE OUTSIDE OF LIMIT OF WORK LINE TO ORIGINAL CONDITION.
8. ALL NURSERY STOCK SHALL BE TRUE TO TYPE AND NAME. ALL STOCK SHALL BE FIRST CLASS QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS HEALTHY ROOT SYSTEMS. ALL STOCK SHALL BE WELL FORMED AND THE TRUNKS OF TREES SHALL BE UNIFORM AND STRAIGHT.
9. UNLESS OTHERWISE SPECIFIED, ALL PERENNIALS, GRASSES AND GROUNDCOVERS SHALL BE GROWN IN THEIR CONTAINER FOR ONE YEAR PRIOR TO INSTALLATION.
10. REFER TO LANDSCAPE DRAWING FOR SITE LAYOUT, TYP.



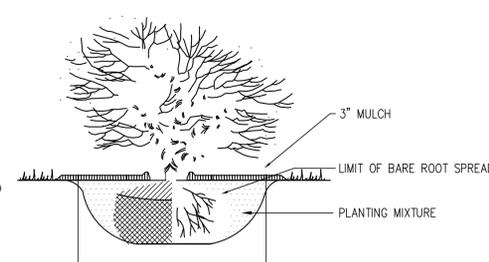
LANDSCAPE PLAN
1"=20'-0"



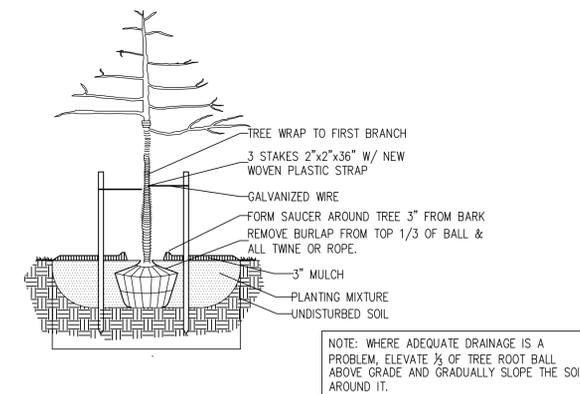
4 Maintenance Strip
L1.0 Not To Scale



3 Steel Edging Detail
L1.0 Not to Scale



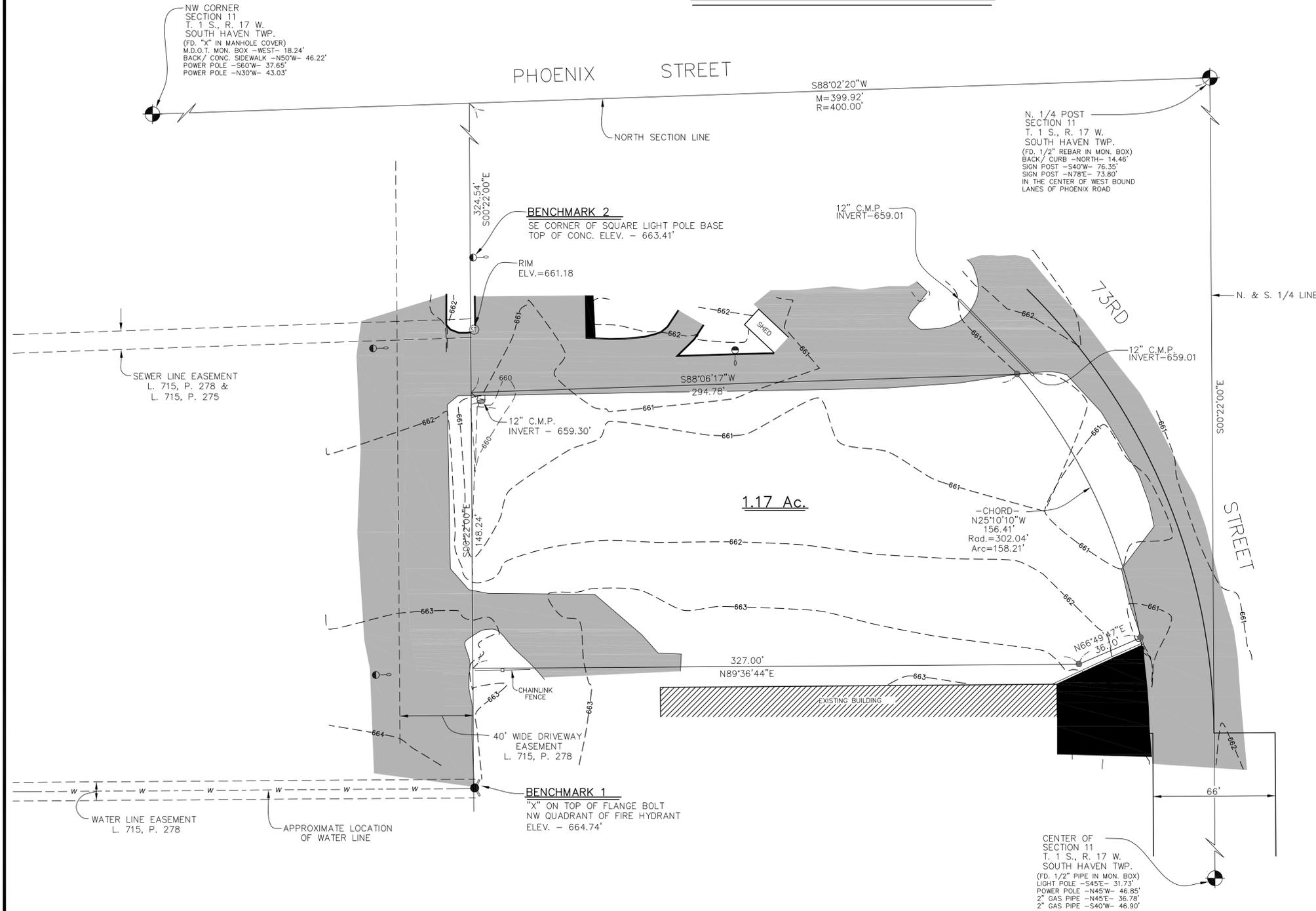
2 Shrub Planting Detail
L1.0 Not to Scale



1 Tree Planting Detail
L1.0 Not to Scale

NOTE: WHERE ADEQUATE DRAINAGE IS A PROBLEM, ELEVATE 1/4 OF TREE ROOT BALL ABOVE GRADE AND GRADUALLY SLOPE THE SOIL AROUND IT.

TOPOGRAPHIC SURVEY



FURNISHED DESCRIPTION

FURNISHED DESCRIPTION
SITUATED IN THE CITY OF SOUTH HAVEN, VAN BUREN COUNTY, MICHIGAN
PER CHICAGO TITLE INSURANCE COMPANY TITLE NO.: 800633433NBU

COMMENCING AT THE NORTH QUARTER POST OF SECTION 11, TOWN 1 SOUTH, RANGE 17 WEST; THENCE SOUTH 88° 02' 20" WEST ON NORTH SECTION LINE 399.92 FEET (ALSO RECORDED AS 400.00 FEET); THENCE SOUTH 00° 22' 00" EAST PARALLEL WITH THE NORTH AND SOUTH QUARTER LINE 324.54 FEET TO BEGINNING; THENCE CONTINUING SOUTH 00° 22' 00" EAST TO A POINT 472.78 FEET SOUTHERLY OF THE NORTH SECTION LINE; THENCE NORTH 89° 36' 44" EAST 327.00 FEET; THENCE NORTH 66° 49' 47" EAST 36.10 FEET TO THE WESTERLY LINE OF 73RD STREET; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO A POINT NORTH 88° 06' 17" EAST OF BEGINNING; THENCE SOUTH 88° 06' 17" WEST 294.78 FEET TO BEGINNING;

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO PHOENIX ROAD AS CREATED, LIMITED AND DEFINED BY THE AGREEMENT DATED JULY 17, 1980, RECORDED JULY 18, 1980 IN LIBER 715 ON PAGE 278, VAN BUREN COUNTY RECORDS.

LEGEND

- FIRE HYDRANT
- LIGHT POLE
- STORM MANHOLE
- ASPHALT
- CONCRETE

PREPARED FOR:

GOODWILL INDUSTRIES

PREPARED BY:

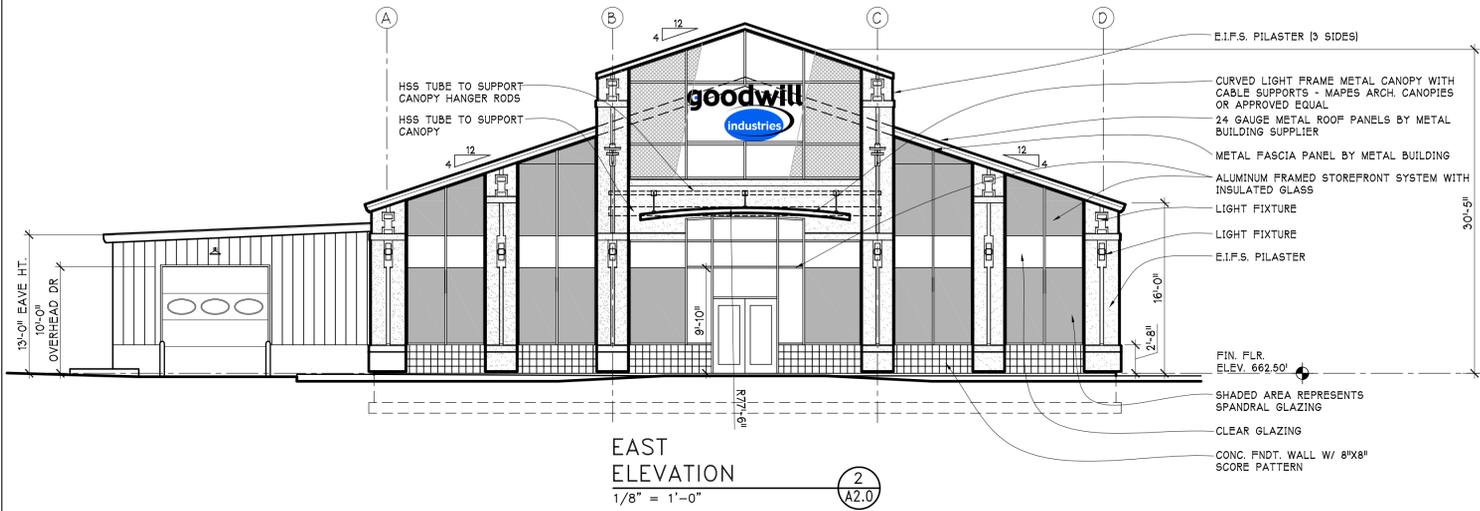
MITCHELL & MORSE LAND SURVEYING
A DIVISION OF MITCHELL SURVEYS, INC.
234 VETERANS BLVD.
SOUTH HAVEN, MICHIGAN 49090

PHONE (269) 637-1107 FAX (269) 637-1907

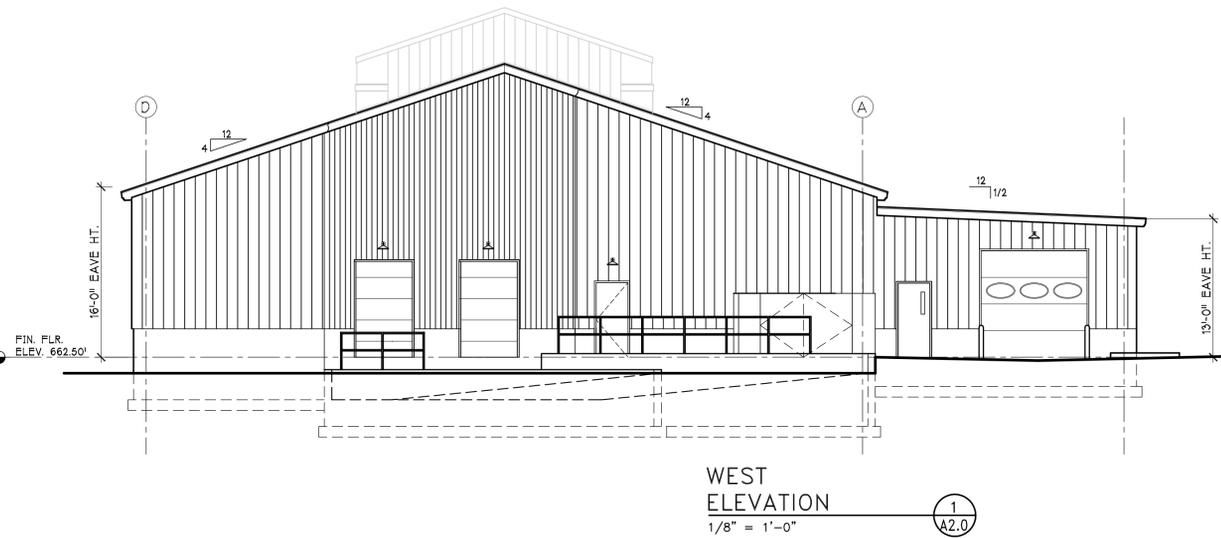
PROJECT NO. 13-1022-B DATE 12-17-13

BOOK FILE PAGE FILE REVISION

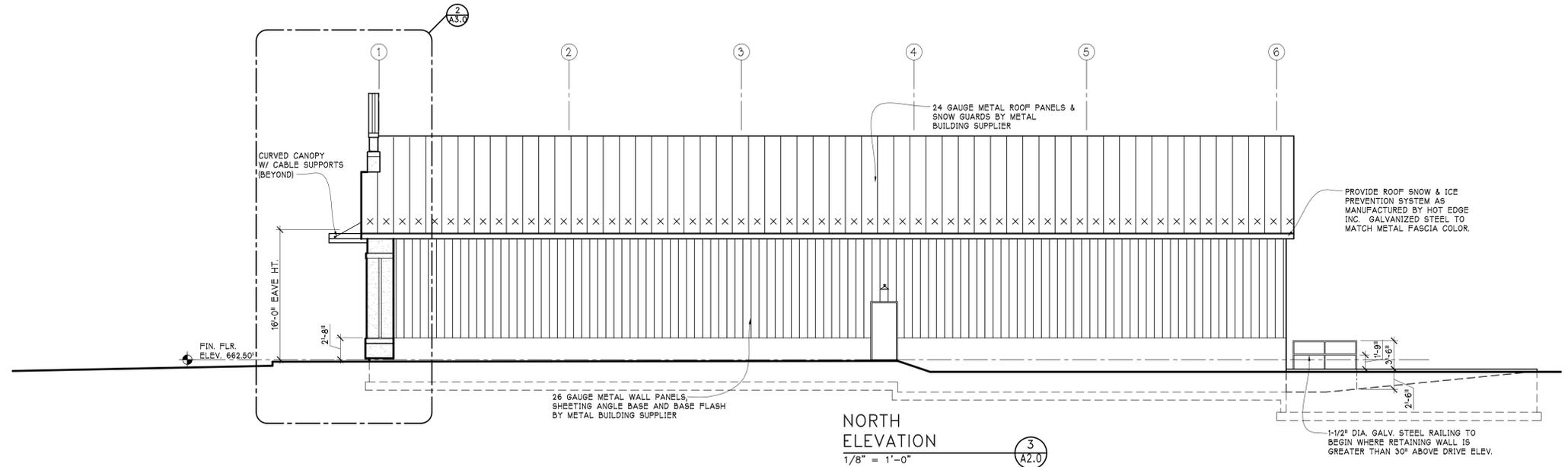
DRAWN BY J. MITCHELL SHEET 1 OF 1



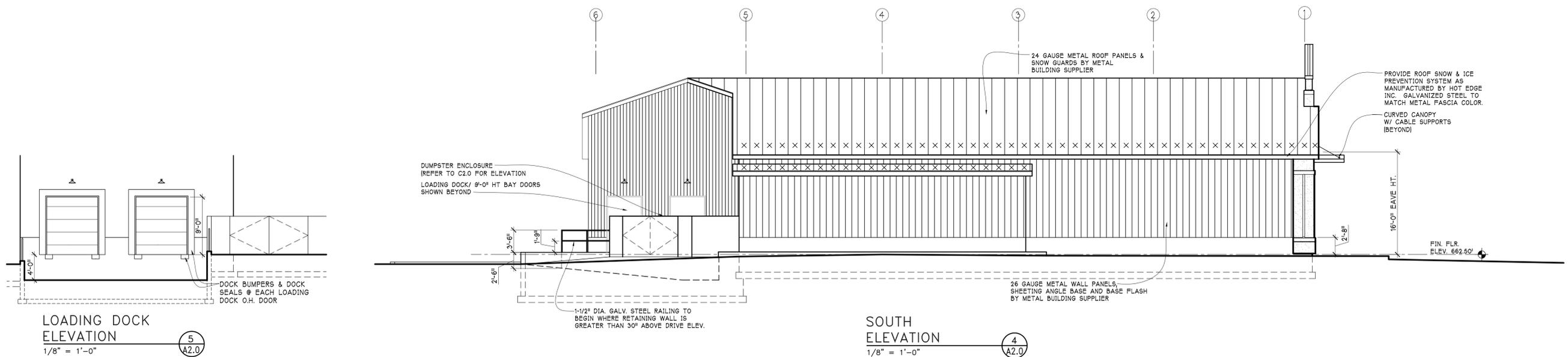
EAST ELEVATION
1/8" = 1'-0"
2
A2.0



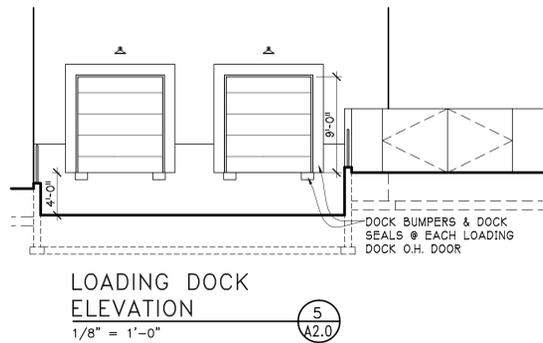
WEST ELEVATION
1/8" = 1'-0"
1
A2.0



NORTH ELEVATION
1/8" = 1'-0"
3
A2.0



SOUTH ELEVATION
1/8" = 1'-0"
4
A2.0



LOADING DOCK ELEVATION
1/8" = 1'-0"
5
A2.0

Schley Architects
4200 South 9th Street, Kalamazoo, Michigan 49009
P: 269-499-0640 F: 269-499-0640
269-375-8366 / Fax: (269) 375-8366 / mail@schley-arc.com

New Retail Store for:
Goodwill Industries
South Haven, Michigan

Project # **13-122**
Date: April 03, 2014
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A2.0

300 ft Notice Area for 340 71 1/2 St



I 196

N I 196

I 196

Blue Star Mem Hwy

Phoenix St

MEIJER

WALGREENS

AUTOZONE
B857A

BP
B855

ARBY'S
B853

73 1/2 St

B852

PHOENIX
SQUARE
CONDO

B854

B851

B850

Legend



300 ft Notice Area



Noticed Properties



Subject Property

Disclaimer: The City of Scottsdale does not warrant, represent or imply regarding the accuracy, completeness or timeliness of the information presented. Use this as a reference and verify all information.

ARTICLE XXIV

M-43/I-196 BUSINESS LOOP CORRIDOR OVERLAY ZONING DISTRICT

SECTION 2400. INTENT

1. The M-43/I-196 Business Loop Corridor Overlay Zoning District (the "Corridor Overlay Zone") is established to enhance the quality and compatibility of development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop through the City of South Haven, Michigan.

Specifically the Corridor Overlay Zone is intended to:

- a. Accommodate a variety of uses as permitted by the underlying zoning, and ensure such uses are designed to achieve an attractive built and natural environment.
 - b. Provide site design standards that are developed specifically for the areas in order to promote harmonious development and complement the natural characteristics in the City.
 - c. Ensure safe access for vehicles and pedestrians.
 - d. Provide landowners with reasonable and safe access via the use of shared driveways, service drives, and access from side streets.
 - e. Require demonstration that prior to approval of any land divisions, the resultant parcel is accessible through compliance with the access standards herein.
 - f. Ensure that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
 - g. Establish uniform standards to ensure fair and equal application.
 - h. Address situations where existing development within the Corridor Overlay Zone does not conform to the standards of this chapter.
 - i. As development continues, it is the intent of the city to provide regulations which protect the adjacent residential properties.
2. In order to accommodate the varying characteristics found along M-43 and I-196 in the city, this zoning overlay district is divided into three (3) Areas.
 - a. **Area A** includes the B-4 zoned parcels along Phoenix Street from the I-196 Interchange west to Blue Star Highway. These areas are characterized as accommodating highway oriented businesses. It is anticipated that large retailers and those needing highway access will continue to be drawn to these areas. (See Figures 1 and 2 regarding general site design intent for Area A.)

Figure 1

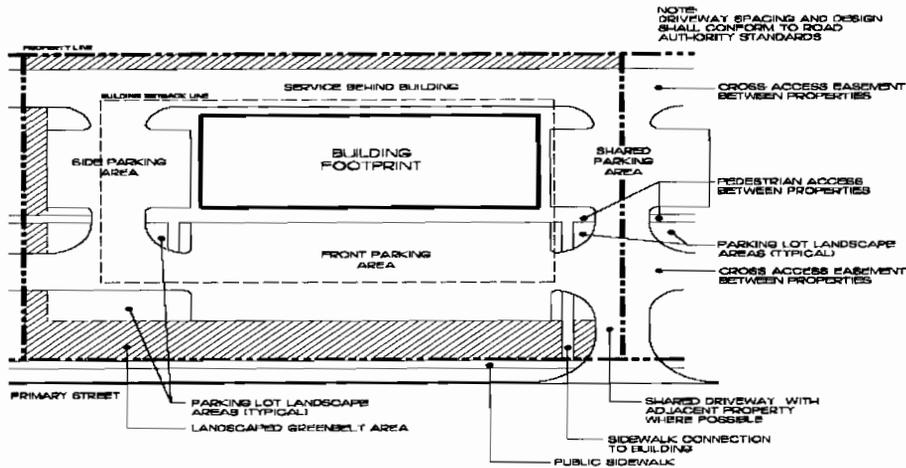
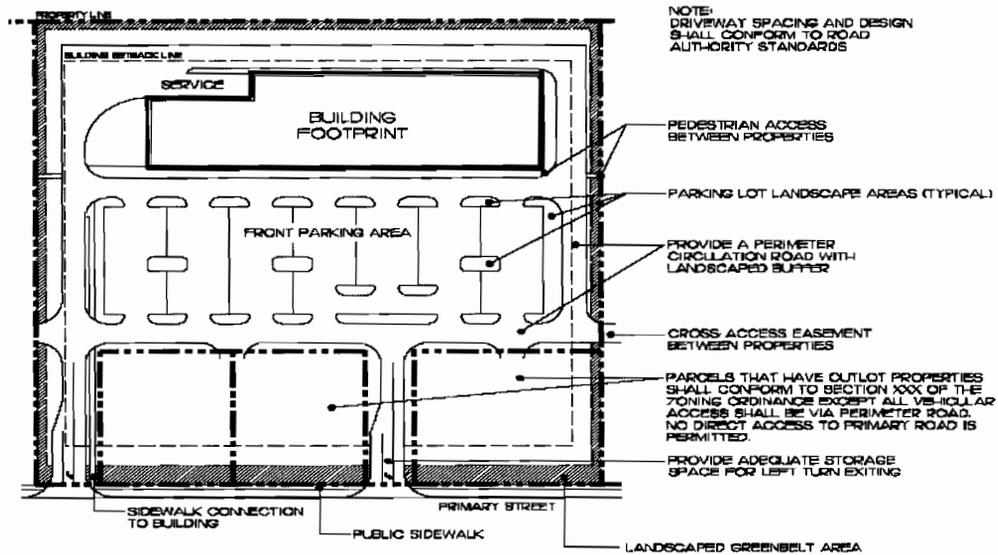
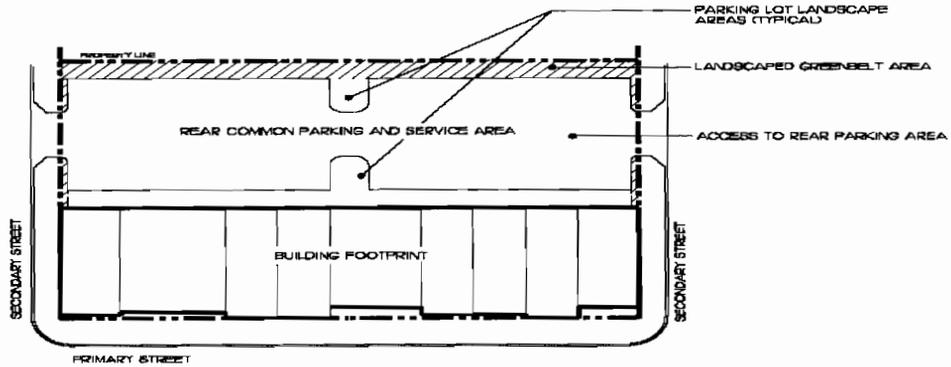


Figure 2



- b. **Area B** includes the non-single family residential (CBD, B-2 and RM-1) parcels from the Phoenix Street and Pearl Street intersection west to Broadway Street and south along Broadway to Superior Street. The area provides for compact development similar to that found in the Central Business District. Walkability and nonmotorized access to this area is critical. (See Figure 3 regarding general site design intent for Area B.)

Figure 3



- c. **Area C** comprises the remainder of the corridor overlay properties including those properties zoned B-2 adjacent to Broadway Street from Superior south to LaGrange, Phillips and Bailey Streets to Aylworth Avenue. Also included are properties along the west side of Blue Star Highway south from Phoenix Street to Superior Street. This is generally an area which is developing with a large number of medical and professional services. The scale of new development and the transportation orientation of this Area are important factors in establishing the site development requirements contained in this Article. (See Figure 4 regarding general site design intent for Area C.)

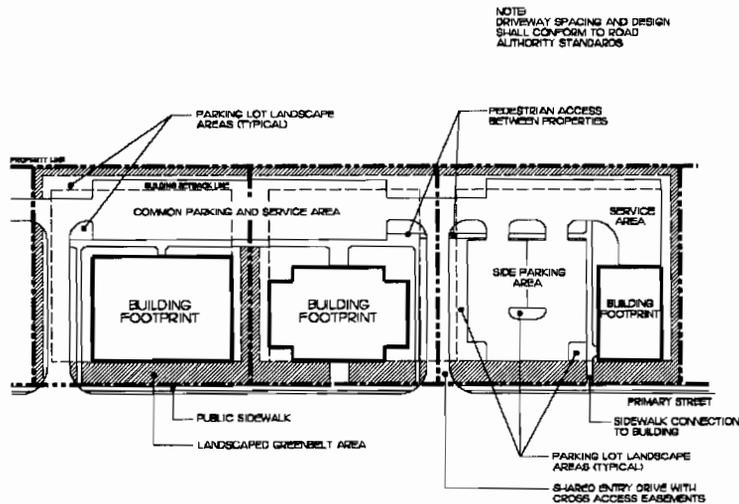


Figure 4

3. The overlay zoning map graphically depicts the boundaries of the Corridor Overlay Zone.

SECTION 2401. APPLICABILITY

1. Except as otherwise provided in this Section, the regulations herein apply to all existing or future parcels directly adjacent to or having access on the M-43/I-196 Highway corridor through the City of South Haven, as identified on the overlay zoning map.
2. Single-family dwellings are exempt from these Corridor Overlay Zone regulations, unless the dwelling is later changed to a nonresidential use as permitted in the underlying zone.
3. Where the standards of this Corridor Overlay Zone are more restrictive, as determined by the Zoning Administrator, such standards supersede and replace those that apply to the underlying zoning district. For example, if the underlying zoning district illustrated on the City Zoning Map is B-2, the uses listed as permitted in Section 901 of this chapter are permitted for that lot, but the access, landscaping, setbacks, freestanding signs and building facade must comply with this Corridor Overlay Zone.
4. Proposed planned unit developments (PUD) within the Corridor Overlay Zone shall generally be consistent with the standards herein, but may be modified by the planning commission based upon the requirements and criteria for PUDs located in this chapter and the specifics of the particular site and proposed use(s).

SECTION 2402. APPLICABILITY MATRIX

The standards described or referenced in this article apply to both new and existing development as listed or exempted in the following table for all parcels in the Corridor Overlay Zone. All development in the Corridor Overlay Zone shall require full compliance with all applicable regulations including reviews, approvals, and permits from the planning commission prior to the start of any project or land disturbance.

Figure 5
Applicability Matrix

	LANDSCAPING/SIGN IMPROVEMENTS	FASCADE IMPROVEMENTS	DISCRETIONARY IMPROVEMENTS*	FULL COMPLIANCE
Parking Area Expansion (5% or greater increase in spaces)				
Any New or Expanded Parking Area	X		X	
Existing Development				
Change in Use - Minor**	X		X	
Change in Use - Major***	X	X	X	
Reoccupation of Principal Building after Extended Vacancy (Greater than 180 consecutive days)	X		X	
Alteration of Existing Principal Building (When site plan review is required and/or the alteration involves a building increase over 20% of the existing building size)	X	X (for expanded portion)	X	
Renovation Due to Disaster (fire, flood, tornado, etc.)		X		
New Construction				
New Construction (Including tear down redevelopments of 60% or more of existing structure)	X	X		X

* The planning commission may have discretion in required improvements based upon the circumstances of the property. In determining whether to impose discretionary improvements of the Corridor Overlay Zone, the planning commission shall determine whether those improvements are reasonably necessary to ensure compliance with the standards of Section 1502 of this chapter for Special Land Uses.

** A minor change in use occurs when one permitted land use is replaced by a different permitted land use.

*** A major change in use occurs when one permitted land use is replaced by a special land use, a special land use is replaced by a different special land use, or the property is rezoned to allow for a different permitted or special land use.

X = Compliance with regulations required.

No **X** = Compliance not required.

SECTION 2403. PERMITTED AND SPECIAL USES

1. Permitted and special land uses within the Overlay Zone shall be as regulated in the underlying zoning district (as designated on the Zoning Map) with the following additional provisions:
 - a. To ensure adequate information is provided to evaluate the impact on traffic operations, any permitted use that can be expected to generate 50 peak hour directional trips or 100 peak hour trips (in and out) or 1000 trips during a typical day shall be classified as a special land use. Calculations of trips shall be based on the most recent edition of Trip Generation published by the Institute of Transportation Engineers. The applicant shall be responsible for providing the traffic calculations for review. Where no information is provided, the City shall make the determination. (A guideline that lists typical sizes for various uses where the thresholds are met is available from the zoning administrator.)
 - b. Any site that provides more than the minimum parking required shall be considered a special land use in this chapter.
 - c. The use and site design shall comply with the standards of this section and other applicable regulations of the Corridor Overlay Zone.
 - d. Outdoor cafes and outdoor seating shall be allowed by special use permit in Area B subject to Section 1502 and 1510.34 of this chapter as applicable. Outdoor seating encroaching on public property shall be subject to obtaining a license agreement from city council.
 - e. For special land uses, the following standards shall be considered along with those listed in Section 1502 of this chapter:
 - I. The building and site design will be designed to promote consistency and quality of development within the Corridor Overlay Zone.
 - II. Access spacing from intersections, other driveways, and any median crossovers will meet the standards within the Overlay Zone and will meet

the standards of the applicable road agency (MDOT or the Van Buren County Road Commission), and will be the maximum practical.

- III. Where shared access is proposed or required, provision will be made to share access with adjacent uses, either now or in the future, and shall include written shared access and maintenance agreements to be recorded with the Van Buren County Register of Deeds.
- IV. Traffic impacts associated with the proposed use will be accommodated by the road system without degradation in the level of service¹ below one grade (example from B to C) but in no case shall any movement(s) be projected at a level of service below D, unless improvements are being made to address the impacts.

SECTION 2404. SUBMITTAL INFORMATION

In addition to the submittal information required for site plan review in Section 1405 of this chapter, the following shall be provided with any application for site plan or special land use review. Additionally, the information listed in items 1-4 below shall be required with any request for a land division.

1. Existing access points within 500 feet of the frontage, on both sides of any adjoining roads, shall be shown on the site plan or on a separate plan sheet.
2. Information on sight distance. The applicant shall submit evidence indicating that the sight distance requirements of the MDOT or Van Buren County Road Commission, as applicable, are met.
3. Dimensions between proposed and existing drives, intersections, and any median crossovers shall be shown.
4. Where shared access is proposed or required, a shared access easement and maintenance agreement shall be submitted for approval. Once approved, this easement shall be recorded with the Van Buren County Register of Deeds.
5. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site. All ingress and egress shall be by forward movement unless waived by the planning commission based on lot size.
6. Traffic impact study. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating

¹ As established by the Transportation Research Board, Washington DC.

Traffic Impact Studies, a Recommended Practice for Michigan,” developed by the MDOT and other Michigan transportation agencies.

7. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the MDOT or Van Buren County Road Commission (“VBCRC”), as applicable, for their information. Any correspondence from the MDOT and VBCRC shall be considered during the site plan review process. The City may request attendance at coordination meetings with representatives of the applicable road agency. An access permit shall not be requested from the road agency until a land division or site plan is approved by the City. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.
8. Building elevations. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible to a residential district. Color renderings of the building shall be submitted for planning commission review and approval. Proposed materials and colors shall be specified on the plan and color chips or samples shall also be provided at the time of site plan review. These elevations, colors and materials shall be considered part of the approved site plan.
9. Sign Design Details. Information shall be given on all proposed signs, including details on the base materials and sign materials, and on landscaping around the base. Material used for all proposed signs (whether freestanding or ground) is acceptable only if found by the planning commission to be similar to or at least compatible with materials used for the principal building on the lot where the signs are located.
10. Parking Information. A parking study shall be required wherever requested parking or paved areas exceed the minimum required by this chapter.

SECTION 2405. DIMENSIONAL STANDARDS

1. General

- a. Variable front and rear setback. Upon written request, the planning commission may reduce the required front and rear yard setback by up to 10 feet for the greenbelt and up to 10 feet for the building from that required along the corridor frontage upon a finding that the reduced setback is due to lot depth.

I. Front Yard Setback.

Area A - Buildings shall be set back a minimum of 50 feet from the right-of-way.

Area B – As provided in zoning ordinance Section 603.

Area C – Buildings shall be set back a minimum of 25 feet from the right-of-way.

II. Side Yard Setback.

Area A – 30 feet

Area B – Per zoning ordinance section 603.

Area C – 20 feet

III. Rear Yard Setback.

Area A – 30 feet if abutting commercial zone; 50 feet if abutting residential zone.

Area B – Per zoning ordinance section 603.

Area C – Buildings shall be setback at least 25 feet from the rear lot line.

SECTION 2406. LANDSCAPING, PARKING AND OVERALL SITE DESIGN

Design elements shall comply with the applicable regulations in the article, with the following additional requirements.

1. Front yard greenbelt.

- a. Area A – A minimum 25 foot greenbelt is required. Plantings shall include a minimum of two (2) shade trees and three (3) ornamental trees for every one hundred (100) linear feet of lot frontage. The number of plants required shall be proportional to the frontage, with fractions rounded up. Plant materials may be clustered. Additional landscaping is encouraged. A mixture of ornamental and shade trees is encouraged. The planning commission may allow a reduction in the number or a variation in the mixture of the tree types. Identification signs may be placed in this greenbelt area.
- b. Area B - As required in Section 1709 of this chapter with the addition of a five (5) foot wide greenbelt consisting of evergreen and ornamental shrubs with a mature height of four (4) feet when the parking lot abuts a public right-of-way.
- c. Area C - A minimum twenty-five (25) foot greenbelt is required. Plantings shall include a minimum of two (2) shade trees and three (3) ornamental trees for every one hundred (100) linear feet of lot frontage. The number of plants shall be proportional to the length of frontage, with fractions rounded up. Plant materials may be clustered. Additional landscaping is encouraged. The planning commission may allow a reduction in the number or a variation in the mixture of the tree types. Identification signs may be placed in this greenbelt area.

2. Side yard greenbelt

a. General

- I. A minimum of forty (40) percent of the required trees shall be deciduous canopy trees, except columnar trees or other vegetation if recommended by the City arborist, may be used in areas with existing overhead utilities;

- II. The minimum width of the side greenbelt is 10 feet, and
- III. At least fifty (50) percent of the required trees shall be of an evergreen variety.

- b. Area A – As required in Section 1709-1 of this chapter. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street or along the property line subject to Section 1709.2a of this chapter.
- c. Area B – As provided in Section 1709-1 of this chapter unless the underlying zoning district is CBD.
- d. Area C - As required in Section 1709-1 of this chapter. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street or along the property line subject to Section 1709.2a of this chapter.

3. Rear yard greenbelt

a. General

- I. A minimum of forty (40) percent of the required trees shall be deciduous canopy trees, except columnar trees or other vegetation if recommended by the City arborist, may be used in areas with existing overhead utilities;
 - II. The minimum width of the rear yard greenbelt shall be 10 feet;
 - III. At least fifty (50) percent of the required trees shall be of an evergreen variety; and
 - IV. At least seventy five (75) percent of all shrubs shall be evergreen or a dense variety of deciduous bush that provides year-round screening.
- b. Area A – As required in Section 1709-1 of this chapter.
 - c. Area B – When abutting residences in this area, both fence and landscaping will be required unless waived by the planning commission based on depth and opacity of existing vegetation.
 - d. Area C - When abutting residences in this Area, both fence and landscaping will be required unless waived by the planning commission based on level and opacity of existing vegetation.

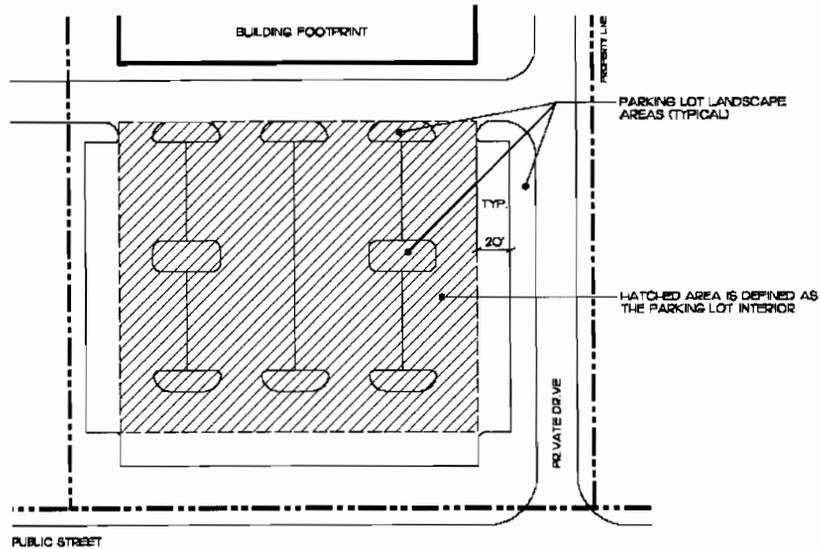
General Standards

- 1. The overall design, particularly along the corridor frontage, shall promote the impression of a well-tended landscape.
- 2. Where practical, existing trees that are in good health and above three inches in caliper along the frontage shall be preserved.
- 3. Retention, detention and the overall stormwater system shall be designed to use “best management practices” and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry,

sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat. This requirement may be waived by the planning commission at the recommendation of the city engineer.

4. For all parking areas that accommodate ten (10) cars or more, the following shall apply:
 - a. Plant material shall be calculated per section 1709.3 of this chapter. Additionally, each landscape feature shall be planted with a minimum of one (1) canopy tree and ground cover and/or grass and will be protected by raised concrete or asphalt curbing.
 - b. Landscape islands shall be calculated on the basis of one (1) landscape island for every ten (10) parking spaces. Landscape islands may be aggregated.
 - c. Landscape islands shall be a minimum of one hundred sixty (160) square feet and a minimum of nine (9) feet wide. Each island should be planted at least three (3) feet from the edge of the island.
 - d. Landscaped islands shall be curbed.
 - e. Landscape features including end islands, peninsulas, and strips shall be installed in the interior of parking lots to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make 90 degree right turns without encroaching upon landscaping or adjacent traffic lanes.
 - f. The planning commission may reduce the number of required landscape islands if it finds that adequate relief and shade is provided by other plantings in and around the parking area.
5. At least 40% of the required parking lot landscaping shall be within the interior of the parking lot, not on the edges. Islands shall be located to improve traffic flow and views. Details on islands shall be provided including radii, length two feet shorter than parking space depth, trees, ground cover and any lighting or irrigation in accordance with zoning ordinance section 1709-3a. (See Figure 6 for limits of parking lot interior.)

Figure 6



6. To improve views and reduce impacts on the environment, the amount of parking constructed shall be less than what is typically required for commercial uses as follows: Parking shall be provided at a rate of one space per 200 square feet of useable floor area, unless a parking study demonstrates the need for additional parking to the satisfaction of the planning commission.
7. As a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use while still ensuring site adequacy, the planning commission may allow deferred construction of some required spaces for any non-residential use if the following conditions are satisfied:
 - a. The applicant submits a site plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace or land otherwise unsuitable for parking due to environmental or physical conditions.
 - b. The applicant demonstrates, to the satisfaction of the planning commission, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location or design of the proposed development. Pedestrian access and use may be considered.

- c. At any time subsequent to approval, the applicant or city may require the construction of additional parking spaces based on review of the parking needs by the planning commission.
 - d. Any other factors reasonably related to the need for parking for the proposed development as determined by the planning commission.
8. Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact.
9. Any proposed fence must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature.
10. Chain link fences shall only be approved for a location not generally visible to the public or neighboring dwelling units. Chain link fencing is not acceptable for screening purposes. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.
11. Non-motorized Trails and Sidewalks. Where the site directly abuts an existing public trail or sidewalk, or is along a segment where a trail or sidewalk within the public right-of-way is proposed by the City and documented in a plan approved by the city a similar trail or sidewalk shall be constructed, in accordance with city ordinances and specifications, along the frontage within the public right-of-way. The planning commission may also require internal safety paths during the site plan review process.
12. Interior Sidewalks. Interior sidewalks shall be constructed, in accordance with city ordinances and specifications, to access buildings in the most efficient location for barrier free access.

SECTION 2407. COMMERCIAL, OFFICE AND INSTITUTIONAL EXTERIORS

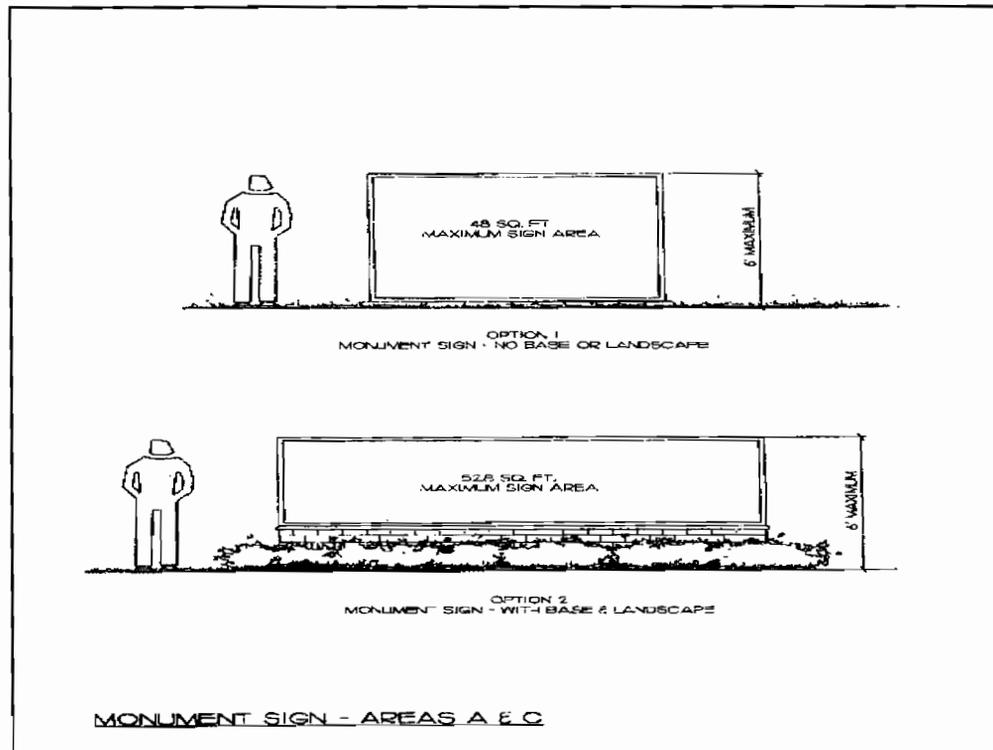
1. The applicant and the applicant's design professionals are encouraged to submit or present design concepts and alternatives at a study session with the planning commission to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs or other graphic materials.
2. Commercial, office, and institutional building facades shall be reviewed by the planning commission as a part of site plan review under the following criteria:
 - a. Front building facades shall provide a minimum 30% glass windows in Areas A and C and a minimum of 60% glass windows in Area B on the first floor between two (2) and eight (8) feet above the sidewalk but shall not exceed 80% glass overall. Calculations are exclusive of the roof area.
 - b. Florescent colors will not be permitted in any capacity on the site.

- c. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building.
- d. Buildings, ground signs and freestanding signs shall be of the same design character and material as the primary structure. The signs shall provide design features, details, or ornaments similar to the primary building.
- e. Building walls over 30 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, windows, design accents and/or bands of complementary building materials.
- f. Building entrances shall utilize windows, canopies, and/or awnings; provide unity of scale, texture, and color; and provide a sense of place. Outward swinging doors shall not intrude into the ROW and shall be recessed when necessary.
- g. Rooftop equipment shall be illustrated on the plans, and shall be screened from view by parapet walls or other design elements that complement the overall building design.
- h. Building rear and side facades shall be constructed to a finished quality comparable to the front facade where visible to a public street or residential district or use.
- i. Any interior play place associated with a restaurant or lodging facility shall be designed in accordance with the above standards.
- j. Overhead canopies for gas stations or other uses shall be designed to be compatible with the design characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures shall be full cutoff and fully recessed into the canopy which shall be designed in neutral colors.
- k. Neon lights, excluding signage, is prohibited

SECTION 2408. SIGNS

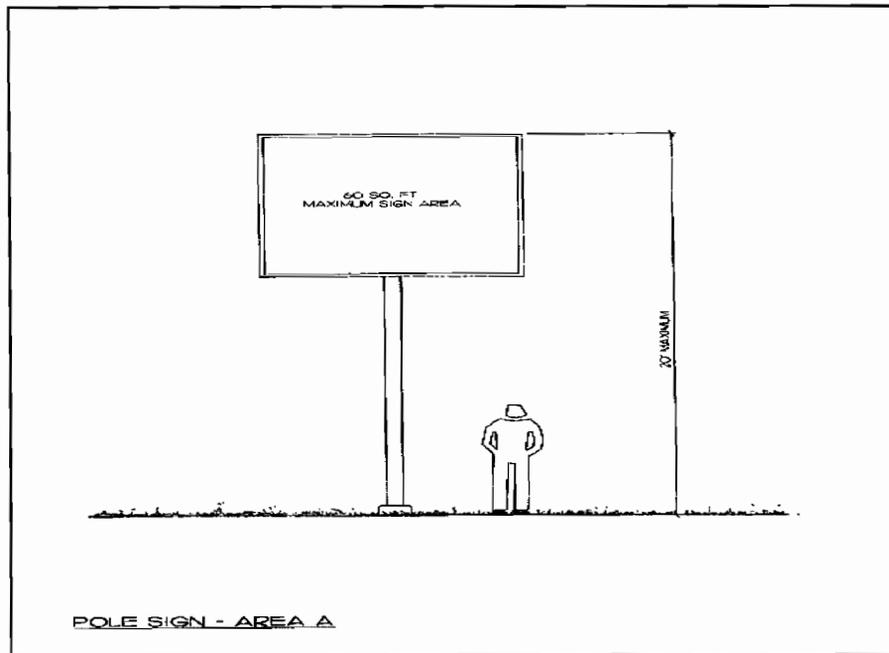
- 1. Area A – As permitted in Section 2008-3 of this chapter except:
 - a. Monument signs may not exceed six (6) feet in height and 48 square feet in area. (See Figure 7, Option 1)

Figure 7



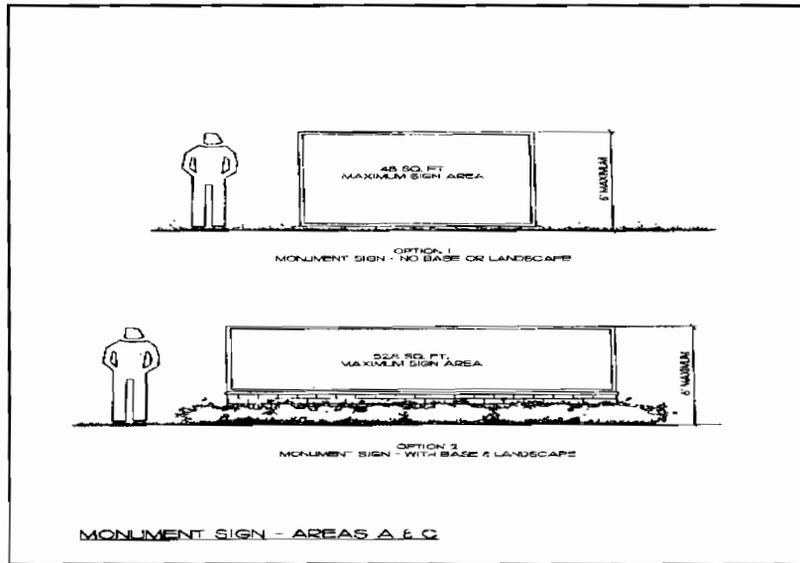
- b. If a monument sign is provided, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base. (See Figure 7, Option 2)
- c. Pole signs may not exceed 20 feet in height. (See Figure 8)

Figure 8



- d. Pole sign area shall be calculated as one (1) square foot for each foot of front setback plus one (1) square foot for each linear foot of lot frontage. Sign area shall not exceed 60 square feet.
2. Area B - As permitted in Section 2008-2.
3. Area C - As required in Section 2008-3 except as provided herein:
4. Monument signs may not exceed six (6) feet in height and 48 square feet in area. (See Figure 9, Option 1)
5. If a monument sign is provided, the size of the sign may be increased 10% above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base. (See Figure 9, Option 2)

Figure 9



6. Pole signs are not permitted.

**ARTICLE XXV
AMENDMENTS AND ADOPTION**

SECTION 2500. AMENDMENT PROCEDURE

The Planning Commission, City Council, an owner of property in the City, a representative of another governmental body, or any other interested person may make a written request to the Planning Commission for initiating a zoning map change or text amendment to this Zoning Ordinance. The following procedures shall be followed:

1. The applicant shall submit a formal application to amend the zoning ordinance on a form established for that purpose to the City Clerk through the Zoning Administrator, along with the fee specified in Section 2106. (Amended 9/1/85; Ord. No. 673) The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or incomplete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission. The application shall include the applicant's name and address, the applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner. If a rezoning is proposed, the application shall include a legal description of the property proposed for rezoning; a scaled map of the property clearly showing the location of the property; and the desired change and reasons for such change. The reasons shall address all the factors in Section 2501.
2. The Planning Commission may authorize the preparation of a proposed amendment to be considered if the written request does not come in the form of an application, or if the Planning Commission independently desires to propose ordinance text to be amended or parcels to be rezoned. The Planning Commission may prepare an alternative to any application which has been submitted, if in the opinion of the Planning Commission it is in the public interest to do so. If an alternative is proposed, both the original application and the alternative shall be considered at the same public hearing.
3. The Planning Commission shall set a time and place for a public hearing and provide for the legal publishing and proper posting of notices of such hearing, time, and date in a newspaper of general circulation in the City, to be printed not less than fifteen (15) days before the date of the hearing. A notice shall also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question. Such notices shall include the places and times at which the tentative text or map change(s) may be examined. A record of all notices prepared and sent, and to whom they are sent shall be maintained with the file of the application. The notices shall include the places and times at which the tentative text and/or any rezoning maps may be examined.
4. At said hearing, the Planning Commission shall establish that the applicant has paid to the City the fees required by this Ordinance and that proper notices have been made.
5. The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such. The Planning Commission shall consider each proposed amendment according to the factors in Section 2501.
6. If the Planning Commission votes to recommend approval of such amendment without change, it shall forward the amendment to the City Council with recommendation for approval or denial, which recommendation shall be accompanied by a summary of the comments made at the public hearing and the findings of the Planning Commission relative to the factors in Section 2501.

7. Prior to voting to recommend approval, the Planning Commission may propose minor changes in the amendment to reflect objections raised at the hearing, to correct typographical or grammatical errors, or for other reasons stated in the minutes of the meeting. The text or zoning map as proposed to be changed shall be forwarded as above without further hearing.
8. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time, the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
9. Within two (2) weeks following the decision of the Planning Commission, a copy of the recommendation on the proposed amendment shall be forwarded to the City Council.
10. Following a public hearing, the City Council may adopt or deny said amendment with a concurring vote of a majority of its members, with or without any amendments that have been previously considered at a public hearing.
11. If the City Council considers amendment changes, additions, or departures advisable to the proposed text or zoning map, it shall refer the same to the Planning Commission for a report thereon within a time specified by the City Council. After review of such report, the City Council may then proceed to consider the adoption of any such amendment.

SECTION 2501. FACTORS TO CONSIDER ON AMENDMENTS

1. **Scope of Examination** - In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application to the City Council within a period of thirty-five (35) days from the public hearing. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the application?
 - c. What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - d. Does the proposed district change adversely affect environmental conditions, the character or the likely value of the surrounding property?
 - e. Does the proposed district change comply with the adopted City Comprehensive Plan? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved.
 - f. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located.
 - g. Is another procedure, such as a variance, special land use or planned unit development procedure a more appropriate alternative than a rezoning?
2. **Outside Agency or Consultant Review** - In determining the degree to which a rezoning request conforms with the factors listed above, the Planning Commission may solicit information and testimony from officials in other public offices including, but not limited to, the following agencies:
 - a. County Health Department
 - b. County Road Commission
 - c. County Drain Commission

- d. Any school district affected
- e. Any City agency
- f. Any State or Federal agency or office with an interest in the proposed change
- g. Any firm hired by the City to provide a review or comments on the proposed amendment.
- h. Joint Township/City Advisory Board

SECTION 2502. PUBLICATION OF A NOTICE OF ORDINANCE AMENDMENTS

Following adoption of amendments to this Ordinance by the City Council, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

SECTION 2503. OPTIONS UPON DENIAL OF AMENDMENT REQUEST

A property owner whose amendment or rezoning request is denied may file an appeal with Circuit Court. If the property owner alleges that the denial of the amendment has the result of leaving the property owner with no reasonable or economically viable use of the property, then the property owner may request a Hardship PUD pursuant to the requirements of Article XII or request a use variance pursuant to the requirements of Section 2206.

SECTION 2504. RESUBMITTAL

No application for a rezoning which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the City Council to be valid.

SECTION 2505. COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Planning Commission shall in the year 2000 and at intervals of not more than five (5) years thereafter, examine all the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the City Council recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.