

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING/PUBLIC HEARING
January 7, 2025, 6:30 PM
17425 RED ARROW HIGHWAY,
NEW BUFFALO, MI 49117
Minutes**

The meeting was called to order by Chair Lauricella at 6:30 p.m.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Anderson, Arvanitis, Lauricella, Nesci, Wagner
Absent: Armstrong, Schmidt

2. PUBLIC COMMENT – GENERAL NON-HEARING RELATED (LIMITED TO 3 MINUTES EACH)
– None

3. PUBLIC HEARINGS

PUBLIC HEARING – # 2025-01-01

Wagner moved, Anderson supported, opening the public hearing on the proposed PUD at Community Hall Rd, Union Pier, MI at 6:31 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of Driftwood Union Pier, LLC for a Planned Unit Development (PUD) at Community Hall Rd, Union Pier, MI 49129 being 11-13-0336-0073-15-0; 11-13-0550-0001-00-0; 11-13-0550-0002-00-0; 11-13-0550-0003-00-0; 11-13-0550-0004-00-0; 11-13-0550-0005-00-0; 11-13-0550-0006-00-0; and 11-13-0550-0014-00-0 that will consist of 15 homes, a maintenance building, trash enclosure building, pool with a structure for restrooms and mechanical room.

COMMENTS BY APPLICANT –Galen Roquet appeared on behalf of Driftwood Union Pier, LLC and gave a presentation on the PUD. The current site plan is similar to what was previously presented to the Planning Commission, but the number of home sites has been increased to fifteen half-acre home sites. Two homes are already under construction. Seven of the old Beachwood Condominium sites have been removed and land has been added to allow for future development. Additional property has been purchased along Community Hall Road, where two affordable homes and a maintenance building will be constructed. Pricing for the affordable homes will be determined according to the formula for affordable housing in the New Buffalo Township Master Plan. The pool area will have a clubhouse with restrooms, along with an outdoor game area. A building will be constructed for trash, rather than an enclosure, to keep animals out. Public water and sanitary sewer are available onsite. The current stormwater retention facility will be

expanded. Applicant is also interested in a walking path to Red Arrow, along with a signalized crossing for access to Linear Parkway along the West side of Red Arrow Highway. Mr. Roquet stated that this project will add ten full time jobs, at least twenty-seven construction jobs, and \$250,000 in property taxes.

COMMENTS BY PLANNING COMMISSION – The Commission inquired if applicant owned the parcel where a walking path is proposed. Mr. Roquet reported that the applicant does not own the land that the Township owns the easement where they are proposing to run the path. It is a water easement so an unpaved path could be a good use of the land which would not interfere with any work that may need to be done on the water lines in the future. The Commission asked what assurances they have that the two affordable homes will remain affordable. Mr. Roquet stated that the developer will adhere to the formula for affordable housing set forth in the Township’s Master Plan; in addition, his company has already done affordable apartment projects. The Commission asked for more information about the roads inside of the development. Mr. Roquet reported that the road would be unpaved with drainage directing stormwater to the retention facility. The Commission asked what specifically is different on this site plan from what was previously presented. Mr. Roquet stated that the lots are denser and a clubhouse was added to the pool area. The Commission noted that each home site has its own driveway, so parking issues are not anticipated. The Commission inquired if the developer intends to add ingress and egress from Red Arrow Highway in the future. Mr. Roquet confirmed that there are no plans to create access to Red Arrow Highway outside of the walking path.

COMMENTS BY ZONING ADMINISTRATOR (if any) – None

PUBLIC HEARING WRITTEN CORRESPONDENCE (if any received) – Joyce Mims of Union Pier submitted questions regarding the project to be addressed during the public hearing.

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH) – Joyce Mims of Union Pier discussed the potential wetlands areas surrounding the development and asked if the stream that runs along Community Hall Road will be affected. Mr. Roquet confirmed that the stream in the ravine will not be affected by this development.

Arvanitis moved, Nesci supported, closing the public hearing on the proposed PUD at Community Hall Rd, Union Pier, MI at 7:06 p.m.

Verbal vote: CARRIED

4. BUSINESS SECTION

a. Public Hearing Consideration for PUD

It should be noted that all of today’s public hearings have been individually reviewed by each Commissioner by the standards outlined in the New Buffalo

Township Zoning Ordinance Article 6.3 Site Plan Standards for Approval and 7.1 Standards for Planned Unit Development (PUD).

The PUD applications have been reviewed under the following standards from the New Buffalo Township Zoning Ordinance Article 6.3 Site Plan Standards for Approval:

A. Adequacy of Information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

B. Site Design Characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining land uses, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by these regulations. Where boundary concerns are present, the Zoning Administrator may require a staked survey.

C. Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

D. Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Dimensional Requirements, Section 2.2, unless otherwise provided in these regulations.

E. Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

F. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

G. Pedestrian circulation. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

H. Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to ensure public safety and promote efficient traffic flow and turning movements,

the applicant may be required to limit street access points or construct a secondary access road.

I. Drainage. Grading and drainage shall comply with the Berrien County Drain Commission and all other applicable state and federal requirements.

J. Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with Berrien County Erosion Control Standards. Article 6 Site Plan Review New Buffalo Township Zoning Ordinance 126

K. Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets, as specified in this ordinance.

L. Public services. Adequate services and utilities, including water, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

M. Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height as specified in this ordinance.

Intent and purpose:

(1) The Planned Unit Development (PUD) option is intended to allow, with Township approval, private or public development which is consistent with the goals and objectives of the Township Master Plan and Future Land Use Map.

(2) The development allowed under this section shall be considered as an optional means of development only on terms agreeable to the Township.

(3) Use of the PUD option will allow flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, and energy, and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; to provide proper housing including workforce housing; or to provide employment, service, and shopping opportunities suited to the needs of the residents of the Township.

(4) It is further intended the PUD may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district; and to allow the mixing of land uses that would otherwise not be allowed, provided other community objectives are met and the resulting development would promote the public health, safety, and welfare, reduce sprawl, and be consistent with the New Buffalo Township Master Plan and Future Land Use Plan Map.

(5) It is further intended the development will be laid out so that land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

(6) A density bonus yielding a maximum of 12 units per acre may be awarded when the proposed development includes affordable housing per the following provisions:

(a) Proposed PUD projects exceeding the residential density of the underlying zoning by up to 25% shall provide 10% of the total dwelling units on site as affordable as defined in this subsection. Proposed PUD projects exceeding the residential density of the underlying zoning by more than 25% shall provide 15% of the total dwelling units on site as affordable as defined in this subsection.

(b) For the purpose of determining a density bonus, an affordable dwelling unit shall mean a dwelling unit where the rent or ownership payment comprises no greater than 1/3 of 120% of the Berrien County median income figured annually.

(c) When the affordable dwelling unit requirement results in a fractional unit, the number of required units shall be rounded up to the nearest whole number.

(d) The required affordable dwelling units shall be interspersed throughout the development.

Qualifying standards for planned unit development. Planned unit development proposals shall meet the following qualifying standards to be considered under the PUD land development option:

(1) The PUD site, combined across all parcels, shall not be less than five acres in area.

(2) The PUD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

(3) The PUD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the New Buffalo Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PUD.

(4) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.

(5) The PUD must meet, as a minimum, four of the following nine objectives of the Township:

(a) To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.

(b) To permanently establish land use patterns which are compatible with, or which will protect desirable existing or planned uses.

(c) To accept dedication or set aside open space areas for public use in perpetuity.

(d) To provide alternative uses for parcels that can provide transition between incompatible uses.

(e) To promote the goals and objectives of the New Buffalo Township Master Plan.

(f) To foster the aesthetic appearance of the Township through quality building design and site development; to provide trees and landscaping beyond minimum requirements; to provide pedestrian amenities beyond the minimum requirement; to preserve unique and/or historic sites or structures; or to provide open space or other desirable features of a site beyond minimum requirements.

(g) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

(h) To provide a diverse mix of housing options, price points, and opportunities to rent or purchase.

(i) To preserve agricultural land in the Township while concentrating development in areas with public services, as specified in § 455-6.3.

PUD Case Number 2025-01-01; Driftwood Union Pier, LLC

Findings of Fact:

Yes The New Buffalo Township Engineering firm Wightman & Associates has conducted a site plan review in compliance with the above stated standards and submitted its findings to the Township.

Yes The Zoning Administrator has reviewed the PUD application; Wightman & Associates site plan review findings; and applicant provided corrections/modifications as request and found the application to be in compliance with New Buffalo Township Ordinances.

Yes The Planning Commission has reviewed the application and site plan for compliance with the standards of the New Buffalo Township Zoning Ordinance detailed in Articles 6.3 and 7.1.

Arvanitis moved, Nesci supported recommending approval as submitted for Case Number 2025-01-01 submitted by Driftwood Union Pier, LLC for a Planned Unit Development (PUD) at Community Hall Rd, Union Pier, MI 49129 being 11-13-0336-0073-15-0; 11-13-0550-0001-00-0; 11-13-0550-0002-00-0; 11-13-0550-0003-00-0; 11-13-0550-0004-00-0; 11-13-0550-0005-00-0; 11-13-0550-0006-00-0; and 11-13-0550-0014-00-0 that will consist of 15 homes, a maintenance building, trash enclosure building, pool with a structure for restrooms and mechanical room.

Roll Call Vote:

Anderson	<u>No</u>
Armstrong	<u>Absent</u>
Arvanitis	<u>Yes</u>
Lauricella	<u>Yes</u>
Nesci	<u>Yes</u>
Schmidt	<u>Absent</u>
Wagner	<u>Yes</u>

Motion CARRIED

b. Excused Absences (if any)

Arvanitis moved, Wagner supported, approving absences for Armstrong and Schmidt at the present meeting.

Motion CARRIED

c. Approve Minutes

Nesci moved, Arvanitis supported, approving the minutes from the December 3, 2024, meeting.

Motion CARRIED

5. NEW BUSINESS

a. Proposed ordinance amendments

- Article 2.2.11. DELINEATION OF THE MARIHUANA BUSINESS OVERLAY ZONE

(B) ~~To the extent the above general descriptions conflict with Map A, the boundaries depicted on Map A control. Map A is meant as a guideline for location of a Marihuana Business. The language of the Ordinance sets the boundaries and is only intended on major roadways including parts of US 12, M239, O'Brien Ct, Holiday Dr, and Grand Ave. If there are disputes as to the location of a Marihuana Business Overlay Zone boundary, the Zoning Board of Appeals will resolve the dispute in accordance with the Zoning Ordinance.~~

- Article 5.22.1 MARIHUANA BUSINESSES

11(a) A facility or establishment may not be located within ~~1,000~~ 5,280 feet of an existing public or private K-12 school; a church; a licensed daycare center; governmental office; or a public library. This distance is computed by measuring a straight line between the two closest points of any ~~buildings~~ property line on the subject parcels.

11(b) A facility or establishment may not be on a parcel that abuts the R-1, R-2, Ag-R or MR zoning districts ~~within the Township. For purposes of this subsection, a parcel does not abut a zoning district if a railroad or state highway separates the parcel from the zoning district.~~

11(c) A provisioning center or retailer may not be located within ~~150~~ 5,280 feet of an existing one-family or multiple-family dwelling unless the owner

of the dwelling completes an application for a waiver as part of the special land use process and records the waiver with the Berrien County Register of Deeds. This distance shall be measured from property line to property line. ~~is computed by measuring a straight line between the two closest points of the dwelling building and the provisioning center or retailer building.~~

ADD 12(j) Illuminated ground and/or wall signage must be dimmed or turned off outside of business hours.

ADD 12(k) Temporary banners or feather signage shall be limited to one per parcel and shall only be displayed during business hours 9:00am to 9:00pm.

ADD 12(l) No large and small temporary signs.

ADD 12(m) There shall be no human directional advertising.

ADD 12(n) No murals will be allowed for any marihuana establishment.

16(a) Any preliminary special use permit granted for a medical marihuana facility or an adult-use establishment is unique and specific to the applicant and does not run with the land until final special land use approval is granted by the Township. The special use permit may be transferred to another medical marihuana facility or an adult-use establishment only with Township approval and subject to Ordinance No. _____.

17(a)(c) The Township may treat the violation as a municipal civil infraction, for which each day the violation continues will be a separate offense, and impose the following fines:

First violation = ~~\$500~~ \$2,500
Second offense = ~~\$2,500~~ \$5,000
Each subsequent offense = ~~\$5,000~~ \$10,000

b. Moratorium

The Commission expressed a desire to no longer allow marihuana businesses as a special use in the Township, but were unsure if changing the ordinance to not allow marihuana would prevent other changes to the ordinance.

Arvanitis moved, Anderson supported, recommending a one-year extension to the Marijuana Moratorium.

Motion CARRIED

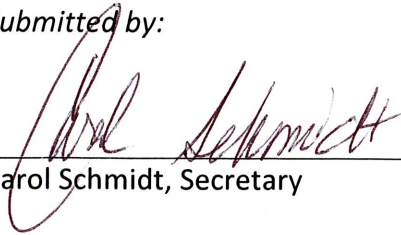
6. CORRESPONDENCE – None

7. ADJOURNMENT

Arvanitis moved, Nesci supported, adjourning at 7:40 p.m.

Motion CARRIED

Submitted by:



Carol Schmidt, Secretary

Drafted by:



Michelle Hannon, Recording Secretary