

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING/PUBLIC HEARING
February 4, 2025, at 6:30 PM
17425 RED ARROW HIGHWAY,
NEW BUFFALO, MI 49117
MINUTES**

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

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Anderson, Arvanitis, Lauricella, Nesci, Wagner
Absent: Armstrong, Schmidt
Pledge of Allegiance

2. PUBLIC COMMENT – GENERAL NON-HEARING RELATED (LIMITED TO 3 MINUTES EACH)

Public comments were heard by the Planning Commission.

3. PUBLIC HEARINGS

PUBLIC HEARING – # 2025-02-01

Wagner moved, Arvanitis supported, opening the public hearing on the proposed SLU at 16130 Red Arrow Hwy, Union Pier, MI at 6:51 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of Fatouros Media Inc for a Special Land Use to operate a Banquet Hall and Event Center at 16130 Red Arrow Hwy, Union Pier, MI 49129.

COMMENTS BY APPLICANT – Architect Angela Smith appeared on behalf of applicant and stated that this is a unique building that is perfect for events. She reported that applicant has an agreement with the Union Pier Post Office to use its parking lot, which is within 500 feet of the proposed venue. In addition, applicant has acquired a parcel of land along Union Pier Road that can fit an additional 25 parking spaces. A shuttle will be utilized to transport guests from the offsite parking lots to the venue. The hours of operation will be 5:00 p.m. to 10:30 p.m. Applicant will utilize offsite caterers and beverage specialists who hold their own liquor licenses.

COMMENTS BY COMMISSION – The Commission inquired if applicant would be leasing the space from the Post Office. Ms. Smith stated that an agreement is in place for now while the parties negotiate a lease. She reported that the property will be surveyed once the lease is executed to determine how many parking spaces can be created. When asked for an estimate of how many parking spaces will be available at the Post Office, Ms. Smith stated that they hope to create 25 parking spaces for guests along with a parking space for the shuttle. The Commission also asked for more information about deliveries. Ms. Smith stated that there is a small service door off the public parking lot next door, but deliveries will mainly go through the front entrance. She stated

further that this venue will be open after most of businesses along Townline Road close. Then, the Commission requested more information regarding capacity and accessibility. Ms. Smith stated this venue is intended for smaller events and the maximum capacity will be 150 people. She also stated that the improvements will be made to meet accessibility requirements. Finally, the Commission asked if there is an alternate parking plan if the lease with the Post Office falls through. Ms. Smith stated that she has seen venues operate with as few as five parking spaces and that there are two public parking lots nearby, as well as street parking.

COMMENTS BY ZONING ADMINISTRATOR – Zoning Administrator Estelle Brinkman stated that the building is a pre-existing non-conforming structure and this use would be an improvement to the area. Parking accommodations are within walking distance and 12 to 15 parking spaces would be required (6 provided onsite).

PUBLIC HEARING WRITTEN CORRESPONDENCE

- William McCollum and Diane Pyshos of McCollum Architects wrote to express their concerns about this application.
- Jon Lewis and Vince Samford of Union Pier wrote to express their concerns about this application.
- Michelle Schuler of Red Arrow Ride wrote to express her concerns about this application.
- Joyce Mims of Union Pier wrote to express her concerns about this application.
- Linda Hoffhines and John (Floyd) Gompf of Union Pier wrote to express their support of this application.

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH) – None

Arvanitis moved, Nesci supported, closing the public hearing on the proposed SLU at 16130 Red Arrow Hwy, Union Pier, MI at 7:08 p.m.

Verbal vote: CARRIED DEFEATED

4. BUSINESS SECTION

Public Hearing Consideration for SLU

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 8.2 Standards for Special Land Use Approval.

The Special Land Use 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.
- N. Danger from hazards. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Township to respond to such hazardous incidents to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
- O. Health and safety concerns. Any use in any zoning district shall comply with applicable Federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.
- P. Sequence of development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

8.2 STANDARDS FOR SPECIAL LAND USE APPROVAL:

Each application shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review and a finding that the special land use will meet all of the specific standards below:

- A. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, and including, but not limited to streets, police and fire protection, drainage structures and refuse disposal. Adequate water and sanitation facilities must be available.
- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
- D. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

- E. The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use as contained in Article 5.
- F. The use is consistent with the New Buffalo Township Master Plan.

SLU Case Number 2025-02-01; Fatouros Media Inc

Findings of Fact:

Yes The Zoning Administrator has reviewed the SLU application; site plan; proposed parking plan; 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.

Nesci moved, Wagner supported, recommending approval with the following conditions: evidence of agreement to provide a minimum of 25 parking spaces within 500 feet of the property; accessible parking is created onsite; outdoor lighting is compliant with New Buffalo Township's ordinance; and applicant maintains all required permits.

Roll Call Vote:

Anderson	<u>Yes</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

a. Excused Absences (if any)

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

Motion CARRIED

b. Approve Minutes

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

Motion CARRIED DEFEATED

c. ADDED ITEM – Discussion of Public Comments regarding Marihuana

The Commission expressed interest in researching the legality of changing the Marihuana Ordinance to state that the preliminary approval of an SLU stays with the land and not with the applicant or, in the alternative, a temporary reversal of the moratorium on marihuana establishments.

5. NEW BUSINESS

a. Officer Election

Chair

Arvanitis moved, Nesci supported, appointing Lauricella as Chair.

Roll Call Vote:

Anderson	_____	Yes
Armstrong	_____	Absent
Arvanitis	_____	Yes
Lauricella	_____	Yes
Nesci	_____	Yes
Schmidt	_____	Absent
Wagner	_____	Yes

Motion CARRIED

Vice Chair

Lauricella moved, Wagner supported, appointing Arvanitis as Vice-Chair.

Roll Call Vote:

Anderson	_____	Yes
Armstrong	_____	Absent
Arvanitis	_____	Yes
Lauricella	_____	Yes
Nesci	_____	Yes
Schmidt	_____	Absent
Wagner	_____	Yes

Motion CARRIED

Secretary

Wagner moved, Arvanitis supported, appointing Schmidt as Secretary.

Roll Call Vote:

Anderson	Yes
Armstrong	Absent
Arvanitis	Yes
Lauricella	Yes
Nesci	Yes
Schmidt	Absent
Wagner	Yes

Motion CARRIED

6. CORRESPONDENCE

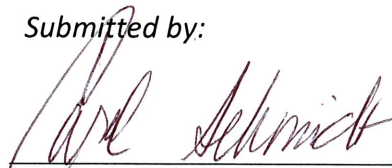
- Jerry Looney submitted correspondence suggesting changes to the Marihuana Ordinance.
- Mark Donnelly submitted correspondence suggesting changes to the Marihuana Ordinance.
- Carie O'Donnell submitted correspondence suggesting changes to the Marihuana Ordinance.
- Jeremy Krueger submitted correspondence suggesting changes to the Marihuana Ordinance.
- Joyce Mims submitted correspondence suggesting changes to the Short-Term Rental Ordinance.

7. ADJOURNMENT

Arvanitis moved, Wagner supported, adjourning at 7:28 p.m.

Motion CARRIED

Submitted by:



Carol Schmidt, Secretary

Drafted by:



Michelle Hannon, Recording Secretary