

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING/PUBLIC HEARING
March 5, 2024 6:30 PM
17425 RED ARROW HIGHWAY,
NEW BUFFALO, MI 49117
Minutes**

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

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Armstrong, Iazzetto, Lauricella, Nesci, Wagner

Absent: Arvanitis, Schmidt

Pledge of Allegiance

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

3. PUBLIC HEARINGS

PUBLIC HEARING – # 2024-03-01

Iazzetto moved, Armstrong seconded, opening the public hearing on the proposed SLU at 18439 US 12, New Buffalo, MI at 6:32 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of Farmette LLC regarding Petition for Special Land Use to install a small (10'x24') lean-to greenhouse for vegetable, herb and flower propagation (no marijuana) on the south-west side of the building located at 18439 US 12, New Buffalo, MI 49117 being 11-13-0009-10-0.

COMMENTS BY APPLICANT – Applicant appeared and stated that the polycarbonate lean-to will be used for growing organic, edible flowers, veggies, and herbs. She stated further that the lean-to will not be visible from the road.

COMMENTS BY ZONING ADMINISTRATOR ESTELLE BRINKMAN – The proposed parking is more than adequate.

PUBLIC HEARING WRITTEN CORRESPONDENCE – None

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH)

Kevin Borglin expressed concern public use of the church's private road.

Ann McLaughlin inquired about the concept of the business.

Nesci moved, Wagner seconded, closing the public hearing on the proposed SLU at 18439 US 12, New Buffalo, MI at 6:36 p.m.

Verbal vote: CARRIED

PUBLIC HEARING – # 2024-03-02

Armstrong moved, Iazzetto seconded, opening the public hearing on the proposed SLU at 18350 US 12, New Buffalo, MI at 6:36 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of Mitten State Engineering LLC regarding Petition for Special Land Use to operate an Adult-Use Marijuana Establishment at 18350 US 12, New Buffalo, MI 49117 parcel 11-13-0009-0004-01-0.

COMMENTS BY APPLICANT – Applicant's engineers, Dante Pinotte and Kyle Gonzalez, stated that the driveway will be one-way and that a new driveway will be created East of Ravina Way, subject to MDOT approval. Pinotte and Gonzalez stated that further that stormwater requirements have been met. Wetlands have been avoided and trees have been preserved as much as possible to maintain the character of the area. Septic has been proposed on the East side of the of the property and a well has been proposed in the back of the property. The 6,000 square foot building will have structural brick installed on the exterior, so that the color will not fade like veneer. Windows will be installed near the top of walls to provide natural light while maintaining security.

COMMENTS BY THE PLANNING COMMISSION – The Commission inquired about the signage and applicant's representatives stated that the sign would be self-illuminating. The Commission clarified that self-illuminated signs are not allowed by the ordinance and that up-lighting would need to be utilized for any signage. The applicant further inquired about signage along the road. The Commission stated that the signage should be modest, low, no larger than 32 square feet, and shall not be backlit. The Commission further inquired about how the building will be illuminated. Applicant's representatives stated that downlights will be utilized from dusk to dawn. The Commission stated that the lighting shall not be pointed at neighboring homes and that the building should not be lit all night, which could be damaging to the surrounding wetlands. The Commission stated further that any changes to the site plan should be brought to the Commission before they are implemented.

COMMENTS BY ZONING ADMINISTRATOR – None

PUBLIC HEARING WRITTEN CORRESPONDENCE – None

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH)

Janet Pabst inquired about traffic given that this property is located at the bottom of hill and whether onsite consumption is allowed.

Ryan Metz inquired about correspondence submitted to the Commission.

Wagner moved, Iazzetto seconded, closing the public hearing on the proposed SLU at 18350 US 12, New Buffalo, MI at 6:51 p.m.

Verbal vote: CARRIED

PUBLIC HEARING – # 2024-03-03

Armstrong moved, Wagner seconded, opening the public hearing on the proposed SLU at 11304 Wilson Rd, New Buffalo, MI at 6:51 p.m.

Verbal vote: CARRIED

The Planning Commission will hear comments on the request of Larry Hanna, EMS Holdings, LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Establishment at 11304 Wilson Rd, New Buffalo, MI 49117 parcel 11-13-0022-0001-02-7.

COMMENTS BY APPLICANT (if any) – Applicant, Larry Hanna, appeared and stated that this will be a one-story building with neutral colors that has been designed to fit the character of the area and be repurposed easily, if necessary. A monument sign with lighting will be installed.

COMMENTS BY PLANNING COMMISSION – The Commission stated that the building must be built as approved and that applicant must be diligent in getting all customers out of the building by 9:00 p.m. The Commission further inquired about lighting. Applicant stated that ground lighting will be utilized for signage and the building. The Commission stated that the sign must be setback to not block visibility at a busy corner and that the lights cannot be utilized all night out of respect for surrounding homes. Finally, the Commission noted that the flexibility of the structure's use is appreciated.

COMMENTS BY ZONING ADMINISTRATOR ESTELLE BRINKMAN – Parking variance will be required for the proposed 38 parking spaces, which exceeds the maximum 18 spaces allowed.

PUBLIC HEARING WRITTEN CORRESPONDENCE – None

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH)

Bill Dunlap inquired about the Planning Commission's ability to set standards for lighting.

Nesci moved, Iazzetto seconded, closing the public hearing on the proposed SLU at 11304 Wilson Rd, New Buffalo, MI at 7:02 p.m.

Verbal vote: CARRIED

4. BUSINESS SECTION

a. Public Hearing Consideration

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.

Special Land Use Case Number 2024-03-01; Farmette LLC

Findings of Fact:

Yes The Zoning Administrator has reviewed the Special Land Use application 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 8.2.

Armstrong moved, Nesci seconded, recommending approval as submitted for Special Land Use for Case Number 2024-03-01 submitted by Farmette LLC to install a small (10'x24') lean-to greenhouse for vegetable, herb and flower propagation (no marihuana) on the south-west side of the building located at 18439 US 12, New Buffalo, MI 49117 being 11-13-0009-10-0.

Roll Call Vote:

Armstrong	<u>Yes</u>
Arvanitis	<u>Absent</u>
Iazzetto	<u>Yes</u>
Lauricella	<u>Yes</u>
Nesci	<u>Yes</u>
Schmidt	<u>Absent</u>
Wagner	<u>Yes</u>

Special Land Use Case Number 2024-03-02; Mitten State Engineering, LLC

Findings of Fact:

Yes The New Buffalo Township Zoning Administrator has received copy of all applicable applications required to obtain operating licenses and approval from LARA/CRA along with copy of any pre-approval letters.

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 Special Land Use 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 8.2.

Wagner moved, Iazzetto seconded, recommending approval as submitted for Special Land Use for Case Number 2024-03-02 submitted by Mitten State Engineering, LLC to operate an Adult-Use Marijuana Retail Establishment at 18350 US 12, New Buffalo, MI being 11-13-0009-0004-01-0.

Roll Call Vote:

Armstrong	<u>Yes</u>
Arvanitis	<u>Absent</u>
Iazzetto	<u>Yes</u>
Lauricella	<u>Yes</u>
Nesci	<u>Yes</u>
Schmidt	<u>Absent</u>
Wagner	<u>Yes</u>

Special Land Use Case Number 2024-03-03; Larry Hanna, EMS Holdings, LLC

Findings of Fact:

Yes The New Buffalo Township Zoning Administrator has received copy of all applicable applications required to obtain operating licenses and approval from LARA/CRA along with copy of any pre-approval letters.

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 Special Land Use application; Wightman & Associates site plan review findings; and applicant provided corrections/modifications as requested, 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 8.2.

Armstrong moved, Nesci seconded, recommending approval with the following conditions for Special Land Use for Case Number 2024-03-03 submitted by Larry Hanna, EMS Holdings, LLC to operate an Adult-Use Marijuana Retail Establishment at 11304 Wilson Rd, New Buffalo, MI being 11-13-0022-0001-02-7: applicant obtains a parking variance and is a good neighbor.

Roll Call Vote:

Armstrong	<u>Yes</u>
Arvanitis	<u>Absent</u>
Iazzetto	<u>Yes</u>
Lauricella	<u>Yes</u>
Nesci	<u>Yes</u>
Schmidt	<u>Absent</u>
Wagner	<u>Yes</u>

b. Excused Absences (if any)

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

Motion CARRIED

c. Approve Minutes

Iazzetto moved, Wagner seconded, approving the minutes from the February 6, 2024 Regular PC meeting

Motion CARRIED

5. CORRESPONDENCE

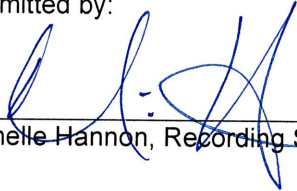
Ryan Metz inquired about how marihuana fits into the Township's Master Plan.

6. ADJOURNMENT

Iazzetto moved, Armstrong seconded, adjourning at 7:12 p.m.

Motion CARRIED

Submitted by:



Michelle Hannon, Recording Secretary