

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
June 4, 2024 6:30 PM  
17425 RED ARROW HIGHWAY,  
NEW BUFFALO, MI 49117  
Minutes**

The meeting was called to order at 6:32 p.m.

**1. ROLL CALL & PLEDGE OF ALLEGIANCE**

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

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

Kyle Gonzalez, Representative for I.E. New Buffalo, discussed changes to its site plan. Because of its position along the Marquette Greenway, I.E. New Buffalo would like to install a fence instead of trees along US-12 for better visibility while entering and exiting the driveway. The Commission requested that I.E. New Buffalo also install a stop sign for vehicles leaving the parking lot.

**3. PUBLIC HEARINGS**

**PUBLIC HEARING – # 2024-05-02 tabled from the May 7, 2024 PC Meeting**

Arvanitis moved, Wagner supported, opening the public hearing on the proposed SLU at 19615 US 12, New Buffalo, MI at 6:38 p.m.

Verbal vote: CARRIED

The Planning Commission will hear comments on the request of Stash Ventures, LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Establishment at 19615 US 12, New Buffalo, MI 49117 parcel 11-13-0019-0014-02-1.

**COMMENTS BY APPLICANT**

A representative from Mitten State Engineering appeared on behalf of the Applicant. The proposed building will be 6,000 square feet with 173 parking spots. Three parcels will be combined to accommodate the number of parking spots. The site will be graded towards the retention pond and a stormwater system will be installed. The site has access to public water/sanitary systems. Applicant is aware of lighting concerns, which have been addressed.

**COMMENTS BY PLANNING COMMISSION**

The Commission inquired about signage. Applicant's representative stated that the logo will be installed on the side of the building, but no other signage is currently planned. Applicant will obtain a permit if they decide to install a sign in the future.

**COMMENTS BY ZONING ADMINISTRATOR**

Zoning Administrator Estelle Brinkman stated that a parking variance will be required.

**PUBLIC HEARING WRITTEN CORRESPONDENCE – None**

**PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH)**

Brian Dodge expressed concern about the number of dispensaries in New Buffalo Township.

Toni Morris inquired about why this applicant can connect to sewer while her property cannot.

Schmidt moved, Arvanitis supported, closing the public hearing on the proposed SLU at 19615 US 12, New Buffalo, MI at 6:46 p.m.

Verbal vote: CARRIED

**PUBLIC HEARING – # 2024-06-01**

Iazzetto moved, Arvanitis supported, opening the public hearing on the proposed SLU at 19750 M239, New Buffalo, MI at 6:47 p.m.

Verbal vote: CARRIED

The Planning Commission will hear comments on the request of JMS 75 LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Establishment at 19750 M239, New Buffalo, MI 49117 parcel 11-13-0023-0008-04-6.

**COMMENTS BY APPLICANT**

Gerald Feldman appeared on behalf of the Applicant. The proposed building will be 5,500 square feet with 107 parking spaces. The Berrien County Drain Commission has already approved the proposed stormwater system and Applicant is awaiting the Berrien County Health Department's approval of the septic system. There is an existing well and public water is available at this location.

**COMMENTS BY PLANNING COMMISSION – None**

**COMMENTS BY ZONING ADMINISTRATOR**

Zoning Administrator Estelle Brinkman stated that a land split will be required as condition of approval for Tract 1 (1.86 acres for the proposed SLU site). A parking variance will also be required.

**PUBLIC HEARING WRITTEN CORRESPONDENCE – None**

**PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH)**

Brian Dodge inquired about the number of complete applications for dispensaries.

Betsy Benwell stated that she would like to see these businesses giving back to the community.

Arvanitis moved, Iazetto supported, closing the public hearing on the proposed SLU at 19750 M239, New Buffalo, MI at 6:55 p.m.

Verbal vote: CARRIED

**PUBLIC HEARING – # 2024-06-02**

Wagner moved, Iazetto supported, opening the public hearing on the proposed SLU at 19415 US 12 & 19425 US 12, New Buffalo, MI at 6:56 p.m.

Verbal vote: CARRIED

The Planning Commission will hear comments on the request of Constantine Products LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Establishment at 19415 US 12 & 19425 US 12, New Buffalo, MI 49117 parcel 11-13-0019-0002-10-0 and 11-13-0019-0003-00-5.

**COMMENTS BY APPLICANT**

Gary Radtke appeared on behalf of Applicant. The existing building will be renovated and 25 parking spots are planned. Applicant intends to use the existing septic system. Applicant is working with EGLE and the Berrien County Health Department on a location for the required alternate, mound system. The site will have a stormwater system with a retention pond. Applicant, David Hughes, stated further that the rental house will be demolished for parking to alleviate the current parking issues in front of the building.

**COMMENTS BY PLANNING COMMISSION**

The Commission inquired about the location of the mound system and if the Applicant will connect to sewer if it becomes available. Mr. Radtke reported that the mound system will be on the small parcel behind the house and that Applicant intends to connect to sewer if it becomes available. The Commission inquired further about overflow from the detention pond. Mr. Radtke stated that water will flow to the South into the storm sewer. The Commission asked if the presenters had a rendering of the outside of the building. The exterior of the existing building will be painted. The only other modifications at this time will be to add a wheelchair ramp and a bike rack. Permits will be obtained for any signage. Finally, the Commission inquired if 25 parking spots will be adequate. Applicant stated that he doesn't anticipate any issues, but they have additional land if necessary.

**COMMENTS BY ZONING ADMINISTRATOR**

Zoning Administrator Estelle Brinkman stated that a variance will be required for excess parking. She also noted that the existing Special Land Use requires 5.5 parking spots.

**PUBLIC HEARING WRITTEN CORRESPONDENCE – None**

**PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH) – None**

Arvanitis moved, Wagner supported, closing the public hearing on the proposed SLU at 19415 US 12 & 19425 US 12, New Buffalo, MI at 7:10 p.m.

Verbal vote: CARRIED

**PUBLIC HEARING – # 2024-06-03**

lazzetto moved, Wagner supported, opening the public hearing on the proposed SLU at 19317 US 12, 19313 US 12, 19307 US 12, 19303 US 12 and 19297 US 12, New Buffalo, MI at 7:11 p.m.

Verbal vote: CARRIED

The Planning Commission will hear comments on the request of Securecann III regarding Petition for Special Land Use to operate an Adult-Use Marihuana Establishment at 19317 US 12, 19313 US 12, 19307 US 12, 19303 US 12 and 19297 US 12, New Buffalo, MI 49117 parcel 11-13-2700-0001-00-5, 11-13-2700-0002-00-1, 11-13-2700-0003-00-8, 11-13-2700-0004-00-4, and 11-13-2700-0005-00-1.

**COMMENTS BY APPLICANT**

Attorney Dennis Cowen appeared on behalf of Applicant. The lots will be combined into one parcel and the operating hours will be 9:00 a.m. to 9:00 p.m. 36 parking spots are planned and high levels of security will be utilized. The proposed site is a retail establishment, but applicant will comply with the HVAC requirements for growers and processors. The exterior of the building is planned to be masonry with decorative metal panels.

**COMMENTS BY ZONING ADMINISTRATOR (if any)**

Zoning Administrator Estelle Brinkman stated that a land combination and parking variance will be required.

**PUBLIC HEARING WRITTEN CORRESPONDENCE**

Correspondence was received from Attorney Dennis Cowan providing more details about this application.

**PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH) – None**

Schmidt moved, Wagner supported, closing the public hearing on the proposed SLU at 19317 US 12, 19313 US 12, 19307 US 12, 19303 US 12 and 19297 US 12, New Buffalo, MI at 7:17 p.m.

Verbal vote: CARRIED

#### 4. BUSINESS SECTION

a. **Public Hearing Consideration for Special Land Use**

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 2024-05-02; Stash Ventures, 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.

Iazzetto moved, Wagner supported, recommending approval for Special Land Use for Case Number 2024-05-02 submitted by Stash Ventures, LLC to operate an Adult-Use Marihuana Retail Establishment at 19615 US 12, New Buffalo, MI being part of 11-13-0019-0014-02-1with the following conditions: a parking variance is obtained.

Roll Call Vote:

Armstrong                      No

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

**Special Land Use Case Number 2024-06-01; JMS 75 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.

Schmidt moved, Wagner supported, recommending approval for Special Land Use for Case Number 2024-05-02 submitted by JMS 75, LLC to operate an Adult-Use Marihuana Retail Establishment at 19750 M239, New Buffalo, MI being 11-13-0023-0008-04-6 with the following conditions: a parking variance is obtained and the lot split is approved.

Roll Call Vote:

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

**Special Land Use Case Number 2024-06-02; Constantine Products 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.

Arvanitis moved, Schmidt supported, recommending approval for Special Land Use for Case Number 2024-06-02 submitted by Constantine Products LLC to operate an Adult-Use Marihuana Retail Establishment at 19415 & 19425 US 12, New Buffalo, MI being 11-13-0019-0002-10-0 and 11-13-0019-0003-00-5 with the following conditions: a parking variance is obtained, as well as all approvals from MDOT, the Berrien County Health Department, and the Berrien County Drain Commission.

Roll Call Vote:

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

**Special Land Use Case Number 2024-06-03; Securecann III**

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.

Armstrong moved, Wagner supported, recommending approval for Special Land Use for Case Number 2024-06-03 submitted by Securecann III to operate an Adult-Use Marihuana Retail Establishment at 19317 US 12, 19313 US 12, 19307 US 12, 19303 US 12 and 19297 US 12, New Buffalo, MI 49117 parcel 11-13-2700-0001-00-5, 11-13-2700-0002-00-1, 11-13-2700-0003-00-8, 11-13-2700-0004-00-4, and 11-13-2700-0005-00-1 with the following conditions: : a parking variance is obtained and the land combination is approved.

Roll Call Vote:

Armstrong	<u>Yes</u>
Arvanitis	<u>Yes</u>

lazzetto	Yes
Lauricella	Yes
Nesci	Absent
Schmidt	Yes
Wagner	Yes

b. Excused Absences (if any)

Schmidt moved, Wagner supported, approving absences for Nesci at the present meeting.

Motion CARRIED

c. Approve Minutes

Schmidt moved, Armstrong supported, approving the minutes from the May 7, 2024 meeting.

Motion CARRIED

d. ADDED ITEM – Amendments to Site Plan for 18350 US 12

Arvanitis moved, Wagner supported, approving the amended landscaping design at 18350 US Highway 12.

Motion CARRIED

5. **CORRESPONDENCE** -- None

6. **ADJOURNMENT**

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

Motion CARRIED

Submitted by:

  
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 Michelle Hannon, Recording Secretary