

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING/PUBLIC HEARING
July 18, 2023 4:00 PM
17425 RED ARROW HIGHWAY,
NEW BUFFALO, MI 49117
MINUTES**

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Armstrong, Arvanitis, Iazzetto, Lauricella, Nesci, Schmidt

Absent: Levine

Pledge of Allegiance

2. PUBLIC COMMENT – none

3. PUBLIC HEARING – #1 Special Land Use Case Number 2023-07-04

Arvanitis moved, Iazzetto seconded to open the public hearing on the proposed SLU at 19281 US 12, 19285 US 12, 19291 US 12 and 13700 El Dorado, New Buffalo, MI at 4:05 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of El Dorado LLC regarding Petition for Special Land Use to operate an Adult-Use Marijuana Retail Establishment at 19281 US 12, New Buffalo, MI 49117 parcel 11-13-2700-0008-00-0; 19285 US 12 being 11-13-2700-0007-00-3; 19291 US 12 being 11-13-2700-0006-00-7; and 13700 El Dorado being 11-13-2700-0009-00-6.

COMMENTS BY ZONING ADMINISTRATOR: Zoning Administrator Brinkman stated that they will require a parking variance.

COMMENTS BY APPLICANT: Cody Newman gave a short presentation on his proposed retail establishment.

PUBLIC HEARING WRITTEN CORRESPONDENCE: none

PUBLIC COMMENT: Don Hatfield voiced his concern about increased traffic on El Dorado as he owns 3 lots.

Arvanitis moved, Nesci seconded to close the public hearing on the proposed SLU at 19281 US 12, 19285 US 12, 19291 US 12, and 13700 El Dorado, New Buffalo, MI at 4:15 p.m.

Verbal vote: CARRIED

PUBLIC HEARING – #2 Special Land Use Case Number 2023-07-05

Arvanitis moved, lazzetto seconded to open the public hearing on the proposed SLU at 19650 M-239, New Buffalo, MI at 4:16 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of JARS Holdings LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Retail Establishment at 19650 M-239, New Buffalo, MI 49117 parcel 11-13-0023-0008-02-0.

COMMENTS BY ZONING ADMINISTRATOR: Zoning Administrator Brinkman stated that a parking variance is required and request has been submitted by the applicant.

COMMENTS BY APPLICANT: Cody Newman gave a short presentation.

PUBLIC HEARING WRITTEN CORRESPONDENCE: none

PUBLIC COMMENT: Jennifer and Anita Cochran asked what the hours of facility and where to find Zoning Ordinance.

Arvanitis moved, lazzetto seconded to close the public hearing on the proposed SLU at 19650 M-239, New Buffalo, MI at 4:23 p.m.

Verbal vote: CARRIED

PUBLIC HEARING – #3 Special Land Use Case Number 2023-07-06

lazzetto moved, Arvanitis seconded to open the public hearing on the proposed SLU at 19799 US 12, New Buffalo, MI at 4:24 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of JARS Holdings LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Retail Establishment at 19799 US 12, New Buffalo, MI 49117 parcel 11-13-0019-0007-01-7

COMMENTS BY ZONING ADMINISTRATOR: Zoning Administrator Brinkman stated that a parking variance already applied for.

COMMENTS BY APPLICANT: Applicant stated his establishment will be retail only.

PUBLIC HEARING WRITTEN CORRESPONDENCE: none

PUBLIC COMMENT: none

Arvanitis moved, to close the public hearing on the proposed SLU at 19799 US 12, New Buffalo, MI at 4:30 p.m. lazzetto second

Verbal vote: CARRIED

4. BUSINESS SECTION: Commissioner Lauricella read for the record:

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.

a. Special Land Uses

Special Land Use Case Number 2023-07-04; El Dorado LLC

The Commissioners found the following 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, Iazzetto seconded to recommend approval with the following conditions:

- Obtain a parking variance of Special Land Use for Case Number 2023-07-04 submitted by El Dorado LLC to operate an Adult-Use Marijuana Retail Establishment at 19281 US 12, New Buffalo, MI 49117 parcel 11-13-2700-0008-00-0; 19285 US 12 being 11-13-2700-0007-00-3; 19291 US 12 being 11-13-2700-0006-00-7; and 13700 El Dorado being 11-13-2700-0009-00-6.

Roll Call Vote:

Armstrong Yes

Arvanitis Yes

Iazzetto Yes

Lauricella Yes

Levine Absent

Nesci Yes

Schmidt Yes

Motion CARRIED

Special Land Use Case Number 2023-07-05; JARS Holdings LLC

The Planning Commissioners found the following 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, Iazzetto seconded to recommend approval with the following conditions:

- Obtain parking variance of Special Land Use for Case Number 2023-07-05 submitted by JARS Holdings LLC to operate an Adult-Use Marijuana Retail Establishment at 19650 M-239, New Buffalo, MI 49117 parcel 11-13-0023-0008-02-0.

Roll Call Vote:

Armstrong Yes

Arvanitis Yes

Iazzetto Yes

Lauricella Yes

Levine Yes

Nesci Yes

Schmidt Yes

Motion CARRIED

Special Land Use Case Number 2023-07-06; JARS Holdings LLC

The Planning Commissioners found the following 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, Schmidt seconded to recommend approval with the following conditions:

- Obtain parking variance of Special Land Use for Case Number 2023-07-06 submitted by JARS Holdings LLC to operate an Adult-Use Marihuana Retail Establishment at 19799 US 12, New Buffalo, MI 49117 parcel 11-13-0019-0007-01-7

Roll Call Vote:

Armstrong	Yes
Arvanitis	Yes
Iazzetto	Yes
Lauricella	Yes
Levine	Yes
Nesci	Yes
Schmidt	Yes

Motion CARRIED

b. Excused Absences

Arvanitis moved, Armstrong seconded to approve absences for Levine at the present meeting.

Motion CARRIED

5. ADJOURNMENT

Arvanitis moved, Schmidt seconded to adjourn at 4:45 p.m.

Motion CARRIED

Respectfully submitted by,

Carol Schmidt
Planning Commission Secretary