

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
August 1, 2023 6:30 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 2023-08-01**

Arvanitis moved, Nesci seconded to open the public hearing on the proposed SLU at 19169 US Hwy 12, New Buffalo, MI at 6:31 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of Michigan Pure Green, LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Retail Establishment at 19169 US Hwy 12 New Buffalo, MI 49117 parcel 11-13-2700-0034-00-1.

**COMMENTS BY ZONING ADMINISTRATOR:** Zoning Administrator Brinkman stated that the applicant is in the process of obtaining a waiver from neighboring hotel for Ordinance proximity.

**COMMENTS BY APPLICANT:** Robert Pazelli stated he is aware of the waiver and gave a brief presentation on plans for the buildings.

**PUBLIC HEARING WRITTEN CORRESPONDENCE:** None

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

Arvanitis moved, Iazzetto seconded to close the public hearing on the proposed SLU at 19169 US Hwy 12, New Buffalo, MI at 6:35 p.m.

Verbal vote: CARRIED

**PUBLIC HEARING – #2 Special Land Use Case Number 2023-08-02**

Iazzetto moved, Armstrong seconded to open the public hearing on the proposed SLU at 11539 O'Brien Ct, New Buffalo, MI at 6:38 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of New Buffalo Holdings LLC regarding Petition for Special Land Use to operate an Adult-Use Marijuana Retail Establishment at 11539 O'Brien Ct, New Buffalo, MI 49117 parcel 11-13-0015-0011-20-8.

**COMMENTS BY ZONING ADMINISTRATOR:** Zoning Administrator Brinkman stated that the site plan indicates hotel still in operation.

**COMMENTS BY APPLICANT:** Applicant stated that the hotel will be vacant shortly, there are plans for expansion, but no extraction/processing.

**PUBLIC HEARING WRITTEN CORRESPONDENCE:** None

**PUBLIC COMMENT:** Rita Cochran of Wilson Road voiced her concern regarding traffic, signage, lighting.

Jennifer Cochran of Wilson Road is concerned about lighting and the main entrance/exit off 39.

Armstrong moved, Nesci seconded to close the public hearing on the proposed 11539 O'Brien Ct, New Buffalo, MI at 6:50 p.m.

Verbal vote: CARRIED

**PUBLIC HEARING – #3 Special Land Use Case Number 2023-08-03**

**THIS HEARING IS TABLED UNTIL THE SEPTEMBER 5, 2023 MEETING**

**PUBLIC HEARING – TABLED ITEM FROM JULY 18, 2023 - Special Land Use Case Number 2023-07-07**

Arvanitis moved, Iazzetto seconded to open the public hearing on the proposed SLU at 11449 O'Brien Ct, New Buffalo, MI, at 6:51 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of John McLeod regarding Petition for Special Land Use to operate an Adult-Use Marijuana Retail Establishment at 11449 O'Brien Ct, New Buffalo, MI 49117 parcel 11-13-0015-0011-22-4.

**COMMENTS BY ZONING ADMINISTRATOR:** Zoning Administrator Brinkman stated that all the missing information has been provided.

**COMMENTS BY APPLICANT:** None

**PUBLIC HEARING WRITTEN CORRESPONDENCE:** None

**PUBLIC COMMENT:** Rita Cochran wanted to know where located, how many of these marihuana retail establishments are allowed.

Jennifer Cochran is concerned about O'Brien Drive's condition and who will maintain it.

Arvanitis moved, Iazzetto seconded to close the public hearing on the proposed SLU at 11449 O'Brien Ct, New Buffalo, MI, at 6:57 p.m.

Verbal vote: CARRIED

#### **4. BUSINESS SECTION (The Board read the following)**

**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

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 2023-08-01; Michigan Pure Green 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.

Nesci moved, Schmidt seconded to recommend approval with the following conditions:

- A hotel waiver to be submitted for Special Land Use, Case Number 2023-08-01 submitted by Michigan Pure Green LLC to operate an Adult-Use Marihuana Retail Establishment at 19169 US Hwy 12, New Buffalo, MI being 11-13-2700-0034-00-1.

Roll Call Vote:

Armstrong Yes

Arvanitis Yes

Iazzetto Yes

Lauricella Yes

Levine Absent

Nesci Yes

Schmidt Yes

Motion CARRIED

**Special Land Use Case Number 2023-08-02; New Buffalo 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 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, Armstrong seconded to recommend approval with the following conditions:

- Hotel is to decrease operations and establishment lighting must be downlighting for Special Land Use Case Number 2023-08-02 submitted by New Buffalo Holdings LLC to operate an Adult-Use Marihuana Retail Establishment at 11539 O'Brien Ct, New Buffalo, MI 49117 parcel 11-13-0015-0011-20-8.

Roll Call Vote:

Armstrong Yes

Arvanitis Yes

Iazzetto Yes

Lauricella Yes

Levine Absent

Nesci Yes

Schmidt Yes

Motion CARRIED

**Special Land Use Case Number 2023-08-03; Brandon Dabish**

Arvanitis moved, Schmidt seconded to table the public hearing for Case Number 2023-08-03 for Brandon Dabish to the September 5, 2023 meeting.

Motion CARRIED

**Special Land Use Case Number 2023-07-07 – John McLeod**

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, Iazzetto seconded to recommend approval with the following conditions:

- Establishment must use downlighting and no drive throughs are permitted for Special Land Use Case Number 2023-07-07 submitted by John McLeod to operate an Adult-Use Marijuana Retail Establishment at 11449 O'Brien Ct, New Buffalo, MI 49117 parcel 11-13-0015-0011-22-4.

Roll Call Vote:

Armstrong Yes

Arvanitis Yes

Iazzetto Yes

Lauricella Yes

Levine Absent

Nesci Yes

Schmidt Yes

Motion CARRIED

**b. Excused Absences**

Nesci moved, Arvanitis seconded not to approve Levine's absence at the present meeting.

Motion CARRIED

c. Approve Minutes

Arvanitis moved, Iazzetto seconded to approve the minutes from the July 11, 2023 Regular Planning Commission meeting.

Motion CARRIED

Nesci moved, Arvanitis seconded to approve the minutes from the July 18, 2023 Special Planning Commission meeting at 4pm.

Motion CARRIED

Iazzetto moved, Armstrong seconded to approve the minutes from the July 18, 2023 Special Planning Commission meeting at 6:30pm.

Motion CARRIED

**5. CORRESPONDENCE:** None

**6. ADJOURNMENT**

Arvanitis moved, Armstrong seconded to adjourn at 7:17 p.m.

Motion CARRIED

Respectfully submitted by,

Carol Schmidt  
Planning Commission Secretary