

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING/PUBLIC HEARING
September 5, 2023, 6:30 PM
17425 RED ARROW HIGHWAY,
NEW BUFFALO, MI 49117
Minutes**

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Present: Armstrong (arrived 6:47 p.m.), Arvanitis, Iazzetto, Lauricella, Nesci, Schmidt

Absent: Levine

Pledge of Allegiance

2. PUBLIC COMMENT – None

3. PUD PROPOSAL – Driftwood presented by Galen Roquet – Conceptual Plan

Galen Roquet and Larry Gough of Investment Property Advisors (“IPA”) presented their concept for developing the property located near the intersection of Community Hall Road and Red Arrow Highway formerly known as Beechwood Condominiums. The property is zoned R-1 and the current PUD is approved for 14 single-family homes. IPA would like to modify a portion of the current PUD to allow for 16+ conservation-style homes with shared amenities to be used as family-oriented vacation rentals and 2-3 affordable homes intended for full-time residents. With regard to affordable housing, the Commission suggested exploring duplexes instead of individual homes to create more inventory.

4. PUBLIC HEARINGS

PUBLIC HEARING – #1 Special Land Use Case Number 2023-09-01

Armstrong moved, Iazzetto seconded to open the public hearing on the proposed SLU at 10271 US Hwy 12, New Buffalo, MI at 6:52 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of The ReLeaf Center of New Buffalo regarding Petition for Special Land Use to operate an Adult-Use Marijuana Retail Establishment at 10271 US Hwy 12 New Buffalo, MI 49117 parcel 11-13-0001-0005-05-4.

COMMENTS BY ZONING ADMINISTRATOR – Zoning Administrator Brinkman was not present but issued the following written statement:

The available options to provide wastewater service to the site are to construct a traditional public gravity sewer extension to connect to the public system, or to construct a wastewater system onsite. A public gravity sewer extension to serve this site as well as neighboring properties is currently under discussion and the Township hopes to move

forward with construction of the project, but no definitive timeline for completion can be provided at this time.

The Township does not have review authority over onsite systems. Any onsite well or wastewater system will need to be reviewed and approved by the Berrien County Health Department. However, it should be noted that when public sanitary sewer is made available, the building will be required to abandon the onsite system and connect to the public sewer.

COMMENTS BY APPLICANT (if any)

Gary Radke, P.E., spoke on behalf of the applicant. He stated that the original parcel was split into two, one-acre lots. The current plans include 15 parking spaces in front of the building and six parking spaces behind the building, which exceeds the 14 parking spaces required by the Township. Radke stated that he has already met with the Berrien County Health Department (“BCHD”) and EGLE regarding the wastewater system. Wastewater will go into an onsite system until a public sewer is made available by the Township. The Commission inquired about the interim wastewater system suggested by the BCHD, which will likely consist of 18 onsite units and will require special approval. The Commission also inquired about curbside pickup and how it differs from drive-thru pickup, which is prohibited. Radke reported that curbside pickup will occur on lot 2 and will utilize the current ingress-egress agreement. He stated curbside pickup differs from drive-thru service because orders must be placed in advance, then customers need to park and call the business for an employee to bring purchases to the car.

PUBLIC HEARING WRITTEN CORRESPONDENCE (If any received) – None

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH) – None

Arvanitis moved, Nesci seconded to close the public hearing on the proposed SLU at 10271 US Hwy 12, New Buffalo, MI at 7:07 p.m.

Verbal vote: CARRIED

PUBLIC HEARING – TABLED ITEM FROM August 1, 2023 - Special Land Use Case Number 2023-08-03

The Planning Commission tabled the request of Brandon Dabish regarding Petition for Special Land Use to operate an Adult-Use Marihuana Retail Establishment at 19325 US 12, New Buffalo, MI 49117 parcel 11-13-0019-0001-00-1 until its October 3, 2023, regular meeting.

COMMENTS BY ZONING ADMINISTRATOR (if any) – Zoning Administrator Brinkman was not present but issued the following written statement:

Property Line Adjustment has been filed and processed through the New Buffalo Township Assessor’s Office. The Southern property line and portions of the Easterly property line have been combined with the adjacent properties creating the necessary buffer to the R2 zoning district.

Applicants failed to provide updated site plan materials as outlined by the Township's engineering firm Wightman & Associates. It is recommended to table this hearing until the October 3, 2023, regular meeting.

COMMENTS BY APPLICANT (if any) – None

PUBLIC HEARING WRITTEN CORRESPONDENCE (If any received) – None

PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH) – None

Arvanitis moved, Armstrong seconded to table the hearing on the proposed SLU at 19325 US 12, New Buffalo, MI, until October 3, 2023, and to close the public hearing at 7:09 p.m.

Verbal vote: CARRIED

Schmidt moved, Iazzetto seconded to open the Business Section at 7:10 p.m.

Verbal vote: CARRIED

5. BUSINESS SECTION

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 2023-09-01; The ReLeaf Center of New Buffalo

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 of Special Land Use for Case Number 2023-09-01 submitted by The ReLeaf Center of New Buffalo to operate an Adult-Use Marijuana Retail Establishment at 10271 US Hwy 12, New Buffalo, MI being 11-13-0001-0005-05-4 with the following condition:

- The Berrien County Health Department approves the temporary onsite sanitary system.

Roll Call Vote:

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

b. Excused Absences (if any)

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

Motion CARRIED

c. Approve Minutes

Armstrong moved, Schmidt seconded to approve the minutes from the August 1, 2023, Regular PC meeting.

Motion CARRIED

Schmidt moved, Nesci seconded to approve the minutes from the July 11, 2023, Regular PC meeting.

Motion CARRIED

Iazzetto moved, Schmidt seconded to approve the minutes from the July 18, 2023, Special PC meeting @ 4pm.

Motion CARRIED

Nesci moved, Arvanitis seconded to approve the minutes from the July 18, 2023, Special PC meeting @ 6:30pm.

Motion CARRIED

6. CORRESPONDENCE – None

7. ADJOURNMENT

Arvanitis moved, Schmidt seconded to adjourn at 7:22 p.m.

Motion CARRIED

Respectfully Submitted by:

Carol Schmidt, Planning Commission Secretary

Prepared by:
Michelle Hannon, Deputy Clerk