

**NEW BUFFALO TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
December 5, 2023, 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, Arvanitis, Iazzetto, Lauricella, Levine, Nesci

Absent: Schmidt

Pledge of Allegiance

**2. PUBLIC COMMENT – GENERAL NON-HEARING RELATED - None**

**3. PUBLIC HEARINGS**

**PUBLIC HEARING – # 2023-12-01**

Nesci moved, Arvanitis seconded, to open the public hearing on the proposed SLU at 19500, New Buffalo, MI at 6:32 p.m.

Verbal vote: CARRIED

The Planning Commission heard comments on the request of NBNC, LLC regarding Petition for Special Land Use to operate an Adult-Use Marihuana Establishment at 19500 M239, New Buffalo, MI 49117 parcel 11-13-0022-0001-14-1.

**COMMENTS BY APPLICANT** – Engineer Gary Radke appeared on behalf of the applicant. He stated that the lot size has been increased from 1.02 acres to 1.31 acres. There will be separate driveways for the entrance and exit. Sanitary sewer will be extended from Wilson Road, a 12" water main will be extended to the south side of the property, and a detention pond will be installed. Mr. Radke also noted that the applicant will seek a variance for the extra parking, which will require additional landscaping. Bike parking will be removed in the winter to create room for snow storage. Mr. Radke stated further that applicant has already obtained a demolition permit and that demolition has begun. Applicant will pursue permits through the Berrien County Health Department for the sanitary system, as well as through MDOT for a driveway and to build within the right-of-way.

**COMMENTS BY PLANNING COMMISSION** – The commission inquired about the route bikes will take to the establishment. Mr. Radke stated bikes will have to use the right lane or shoulder since there are no sidewalks and reiterated that bike racks will be removed in the winter for snow storage.

**COMMENTS BY ZONING ADMINISTRATOR** – Estelle Brinkman confirmed that a variance is required for excess parking.

**PUBLIC HEARING WRITTEN CORRESPONDENCE** – None

**PUBLIC COMMENT (LIMITED TO 3 MINUTES EACH)** – Dennis Gawrin inquired about the distance between the establishment and his property, as well as if allowing this Special Land Use would limit the allowed uses of his property.

Arvanitis moved, Iazzetto seconded, to close the public hearing on the proposed SLU at 19500 M239, New Buffalo, Michigan at 6:42 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 Commission 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 2023-12-01; NBNC, 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, Nesci seconded, to recommend approval for Special Land Use for Case Number 2023-12-01 submitted by NBNC, LLC to operate an Adult-Use Marihuana Retail Establishment at 19500 M239, New Buffalo, MI being 11-13-0022-0001-14-1 with the following condition: applicant obtains a variance for excess parking.

### Roll Call Vote:

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

#### b. Excused Absences

Arvanitis moved, Nesci seconded, to approve absence for Schmidt at the present meeting.

Motion CARRIED

#### c. Approve Minutes

Arvanitis moved, Armstrong seconded, to approve the minutes from the November 7, 2023, Regular PC meeting with a correction to the name of one public commenter.

Motion CARRIED

d. Set Meeting Dates for 2024

Iazzetto moved, Levine seconded, to approve the following meeting dates for 2024:

January 9	February 6	March 5	April 2
May 7	June 4	July 2	August 13
September 10	October 1	November 12	December 3

Motion CARRIED

e. Resolution to Adopt Public Comment Policy

The Resolution was offered by Arvanitis and supported by Armstrong.

Roll Call Vote:

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

f. Appoint Temporary Recording Secretary

Nesci moved, Arvanitis seconded, to appoint Michelle Hannon as temporary Recording Secretary during Schmidt's absence through the end of April.

Motion CARRIED

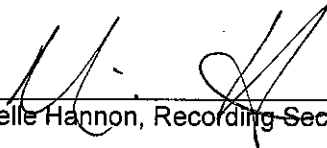
5. **CORRESPONDENCE** – A letter from the Chikaming Township Planning Commission dated November 20, 2023, regarding Chikaming Township's Master Plan.

6. **ADJOURNMENT**

Arvanitis moved, Iazzetto seconded, to adjourn at 6:57 p.m.

Motion CARRIED

Submitted by:

  
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Michelle Hannon, Recording Secretary