

**SOUTH HAVEN CHARTER TOWNSHIP**  
**PLANNING COMMISSION**  
**MINUTES**

Wednesday, January 4, 2023

DRAFT

**1) Call to Order: 7:00 PM**

**2) Role Call:**

Tippman - present

Kiry – present

Odland - present

Meyer – present

Poole – present

Dibble – present

Nicol – present

many audience members, attorney, applicant

**3) Approval of the Agenda**

Smalley suggested to move New Business item #a to after Public Hearing #1 and re-number New Business. Motion by Poole to approve the agenda with change, second by Tippman, 7-0 yes, motion passed.

**4) Approval of the Minutes**

Motion by Dibble to approve the minutes of December 7, 2022, second by Meyer, 7-0, yes motion passed.

**5) Public Comment non-agenda items** - Tyler Augst, MSU extension, spoke briefly about what the MSU extension provides and left a fly for Citizen Planner Program.

**6) Communications / Correspondence** - Andrew Newell submitted a packet regarding information on the marihuana ordinance. 2 maps; 1 with current setback and 1 with 100ft building to building. Sample text and sample waiver.

George Schrader, letter regarding extra fencing for proposed PUD, multi housing on CR 388.

**7) Public Hearing**

Frieda Antonson Trust, 71989 CR 388, 80-17-012-028-00 / 011-029-01. Amended-preliminary site plan for a PUD, 12 acres. 2 acres of commercial and 10 acres 100 housing units (multi-housing buildings). Representative: Peter Jobson, Excel Realty Group. Smalley went over the project: The PUD is a rezone, mixed-use. The commercial will be on the north part of the property by CR 388, there will be one drive into the property- serving the commercial and the apartments. At this time, no special commercial use has been planned. Any use allowed in the commercial district would be allowed. 4-16 unit buildings, 2-18 unit buildings, an office/maintenance building. 48 garage spaces, total 227 total spaces.

Peter Jobson presented. Units have been updated due to high water table and other reasons. Some units will have a garage. Market rate apartments. Proposed two phases. 1<sup>st</sup> – 50 units, office, infrastructure. 2<sup>nd</sup> – remainder 50 units. Commercial to be built as sold/needed. The final plan may shift some due to sensitive area, possible wetlands.

A motion was made by Tippman to open the public hearing at 7:15 pm, second by Kiry. 7-0 yes, motion passed.

Read George Schrader letter. No public or public comments.

A motion was made by Tippman to close the public hearing at 7:19 pm, second by Kiry. 7-0 yes, motion passed.

#### **8) New Business**

a. discuss / decide – amended -preliminary review PUD 71989 CR 388, 80-17-012-028-00 / 011-029-01.

Was suggested to put up a fence during construction to help with debris blowing around. Odland stated the plan is preliminary and few things PC would like for final: agency reviews required, provide elevation pictures and floor plan of typical unit, and all other items required in PUD for final site plan submittal.

Avg unit size will be 900-1000sq ft; approx. 200,00 per unit to construct the development

Motion by Tippman to give approval of amended-preliminary site plan to move forward to final site plan approval of PUD with requests: 1) all required agency reviews, 2) provide elevation pictures and floor plan of typical unit 3) keep the tree buffer and show on final plan south end of property between Lighthouse Village 4) all other required items per PUD to be on final plan, second by Meyer, 7-0 yes, motion passed.

#### **9) Public Hearing #2**

- Amend the zoning map to create a Marihuana Business Overlay District within which medical marihuana provisioning centers and adult-use marihuana retailers would be allowed to operate a special land use subject to Township and state approval. The District would be located (1) on each side of M-140 from 14th Avenue to Blue Star Highway, and (2) on each side of Blue Star Highway from 12th Avenue to M-43. This constitutes an amendment to the zoning map that affects groups of 11 or more adjacent parcels under the Michigan Zoning Enabling Act.
- Adopt zoning regulations for medical marihuana provisioning centers and adult-use marihuana retailers, including but not limited to minimum distances from schools, churches, and dwellings; operational requirements; design requirements; special use approval requirements; and penalties and remedies for violations.

Genovich stated the two items are just 1 public hearing, they go together. Motion by Poole to amend to agenda to reflect the Public Hearings as one hearing, second by Tippman, 7-0 yes, motion passed.

Genovich discussed the update with the timeline, the Board passed a resolution/ordinance to extend the dates to May 1 and Aug 1. This will give the PC and Board more time to get all the proper approvals and meet other State and local time lines. The text presented for tonight has the changes that were discussed at the last meeting.

A motion was made by Poole to open the public hearing at 7:36 pm, second by Dibble. 7-0 yes, motion passed.

Public Comment:

Andrew Newell, DeerCreek: read over his correspondence, maps showing the proposed 200ft property line to property line and revised 100ft building to building, proposed revised language. The proposed language requiring 200ft property line to property line is too restrictive. As the map shows, this eliminates most of the parcels. Questioned why so restrictive.

Joel Tamandl, 72<sup>nd</sup> & CR 380: likes Andrew's proposed language. Recommended to remove part of the zone area M-140 from Blue Star to 12<sup>th</sup> Ave; many dwellings in this area. Recommends proposed language to be building

to building instead of some property line to property line and some building to building.

Brian Griffin, Blue Star Hwy: with proposed language the MH at E&H, his property would not qualify. Property line to property line is too restrictive. Recommends to measure building to building.

Lisa Dawdy, Jars Cannabis: had a question regarding a dwelling being zoned commercial vs residential.

Brenda Bertorelli, CR 689: the voters approved the referendum, ordinance should not be too restrictive. Has the churches complained; be respectful to dwelling.

Mark Smith, Green Door: consider waiver from dwelling owners to ok the facility within the proposed setback, other areas have language like it.

Andrew Newell: the special land use provisions have language for screening

A motion was made by Poole to close the public hearing at 8:01 pm, second by Kiry. 7-0 yes, motion passed.

#### **Unfinished Business –**

- a. Discuss/decision amend zoning and map: Odland went over some of the public comments- 200ft from property line to property line, several comments too restrict. Some comments were to change to building to building. Poole stated the 200ft was a place holder setback due to limited time to create an ordinance, now with the extra time the setback can be reevaluated. Also questioned if this “zone” is spot zoning. Genovich stated it is not because it is an area of property and not just one or two specific parcels. Tippman questioned the “waiver”. Odland not a fan of the “waiver”. The proposed zone map may have an error, the drawing shows going to hwy and language says 14<sup>th</sup> Ave, that will need to be clarified.

Red McFadden: stated he went to the twp hall 3x and was not able to get the information for the meeting until today.

Genovich stated another public hearing is not required or needed if the ordinance is not approved tonight. Kiry prefers setbacks to be building to building, also 100ft instead of 200ft. Meyer Poole Tippman Dibble would like more time to go over the public comments before making a decision.

A motion was made by Tippman to postpone decision to approve, approve with changes or deny the proposed text and map to have additional time to go over public comments and possible further comments and be prepared to make a decision at the next meeting. A second by Meyer. 7-0 yes. Motion passed.

#### **10) Staff & Subcommittee report**

ZBA report- Tippman – no meeting

Board report – refer to Board minutes

Zoning report – Smalley – possible preliminary PUD review campground, final tiny home project, more master plan updates

#### **11) Commissioner Comments and Public Comment**

#### **12) Adjournment**

at 8:40pm

*Respectfully Submitted by:*

*Tasha Smalley*

*Zoning Administrator/Recording Secretary*