

**SOUTH HAVEN CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES**

Wednesday, February 1, 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

Tippman suggested to add Election of Officers after approval of the minutes. Motion by Meyer to approve the agenda with change, second by Poole, 7-0 yes, motion passed.

4) Approval of the Minutes

Motion by Dibble to approve the minutes of January 4, 2023, second by Nicol, 7-0, yes motion passed.

5) Election of Officers

Motion by Tippman to elect Odland as Chair, Tippman as Vice Chair and Dibble as Secretary. Second by Poole. 7-0, yes motion passed.

6) Public Comment non-agenda items - none

6) Communications / Correspondence - Andrew Newell submitted a packet regarding information on the marijuana ordinance. Dawn Beckwith and Farren Laurens 10181 Blue Star, letter in favor of dispensaries and would like 100' from structure setback. Terry Davis 13407 Deer Creek, letter in favor of dispensaries. Rob Byrd 1301 M-43, letter in favor of dispensaries and zoning standards should not be different. Marc Bertorelli letter in favor of dispensaries, but has concern with restrictions. Joel Tamandl 80-17-085-027-00 letter in favor of dispensaries, suggest removing an area on the proposed map. Peter (last name not legible, no address) in favor of dispensaries. Jenni (not legible, no address) in favor of dispensaries, in favor of 100ft bldg. to bldg. (not legible, no address) Davis in favor of dispensaries. Don Hoyt (no address) in favor of dispensaries. Tammi Dibble (no address) not opposed, but thinks there should be setback restrictions and less area. Kevin Bierhalter (no address) in favor of dispensaries.

7) Public Hearing

Bent Creek LLC, preliminary site plan review for a planned unit development, V/L 80-17-012-038-00. Proposed development to provide camping, storage, and single-family homes.

Smalley went briefly over the proposed project. This project will be across 2 Township's – South Haven and Geneva. 20 acres in SH and 50 acres in Geneva. 30 site for purchase, owner will have an option to RV, build a garage, build a home, and/or what variation they choose.

There will also be 20 storage units and 12 single family homes. Common area -ponds, dog walk areas, swimming pool, restrooms. This will be a rezone PUD- multi-use. The main drive and septic/well will be in Geneva Township.

Bent Creek LLC – Kevin McGrath and partners Tim Levin and Jim Davis presented. 30 sites, RV-garage-coach house, house rentals for locals; would like seasonal workers to have a place to stay. Front off 8th Ave, buffer of trees then the storage buildings and then the homes. This will make a good buffer. The ponds/lakes will be deep enough to have water all year. The roads are designed for emergency access. The sites will become an HOA. 1st phase – check in area, amenities, and sewer/well plant- in Geneva Twp. The sewer/water system will be large enough for both Twp projects. Systems will be permitted and approved thru EGLE. Will be managed 24/7. Currently the property is soybean fields and trees. They plan to take sapplings from other area of property and replant in the development. Also, a food truck area (on Geneva side). Poole asked if will be open all yes, applicant said yes. Dibble asked more about the homes for local business, applicant stated the idea if to let the businesses know that there are units/homes available for their workers. They will apply for a campground license for the Geneva side, approx. 80 sites. Odland asked about HOA, selling the units, applicant stated the HOA document has not been drafted yet, but typically after so many units are sold then the HOA takes over. Nicol asked what happens if sewer/drainfield fails, applicant stated the system would be refurbished; designed to close part to fix and use other part. The streets are designed 30ft curb to curb, designed with 2-ways in/out, no extra parking areas, each site with have 4 parking spots. There will be a lot of civil engineering land is wet and muddy.

A motion was made by Poole to open the public hearing at 7:42 pm, second by Tippman. 7-0 yes, motion passed.

No correspondence.

Mark Dibble, CR 689, this will increase traffic, will they upgrade the road, will PC require traffic study? What will do will spoils/piles from digging ponds?

Edan Valkner, 70450 6th Ave SH, this will effect my hunting, I will lose 25%of area to hunt. If sewer fails will harm my property? Will tributaries be protected? How will protect trespassing? My property is surrounded on 3 sides with this development.

James Alm, CR 689, where will all the traffic come and go from?

Sue Mears, across St 8th Ave, how will protect from trespassing? How will they protect the ravine on 8th Ave?

Richard Valkner, 70450 6th Ave, lived here 51 years, do they have a background to do this? How are they qualified? Lot of water down hillsides to lake Michigan. Has all this been considered?

A motion was made by Poole to close the public hearing at 7:57 pm, second by Nicol. 7-0 yes, motion passed.

8) New Business

a. discuss -preliminary review PUD v/l 8th Ave, 80-17-012-038-00

Oldand asked the applicant about the hunting. Applicant: clear answer was not given; the development will more than likely change the hunting, each owner should be able to enjoy their property.

Attorney stated that the State sets the hunting rules/laws, limiting hunting is not a reason to deny the proposal.

Discussed: traffic study, HOA, storm water, SHAES, fencing, berms, spoils, roads, fireworks, hunting, trespassing.

Smalley discussed setback conflict with plan and ordinance. Section 16.07 requires setbacks to not be reduced by 30%; the proposed plan for the units and structures have the garage on the property line/unit line. I am questioning if I am interpreting correct? Will they need a variance? Or does this refer to the outlining setbacks? The applicant provided an option to create an easement area between buildings. Lighthouse Village was mentioned and the setbacks are 5ft from property line which is not 30%.

Smalley will look through the Lighthouse Village files for an answer of the 5feet and the attorney will read the ordinance and get some clarity on this section.

Motion by Tippman to postpone preliminary review decision to give time to research the setback issue. Research to be provide at next regular meeting, second by Meyer, 7-0 yes, motion passed.

9:10pm took a small break

Unfinished Business –

- a. Discuss/decision amend zoning and map: Odland read the correspondence letters. Odland allowed further public comment:

Linda Brezinski (sp) 10810 M140 – admits this is new to her, ordinance should regulate business to come in at a slower rate, bring in slowly see what Twp can handle.

Andrew Newell, he sent a packet showing removal of residential area on M140. Stated CSC district setback is 10ft, allows many commercial uses. This will be a SLU and will have restrictions through that process.

Mark Dibble – setback should be from property line not building to building.

Sandy Kluskowski- CR 689, prefer dispensary not be next to a dwelling. Propose zone to be on M140 12th ave south to Hwy.

Kathy Pile, NOBO, dispensary owner, opposed to limiting the map area

Went through the ordinance again:

Dibble stated she has not seen a setback in an ordinance measured from building to building before. Who would measure? Will be trespassing. Prefer a setback to be from property line. Maybe have a 50-100ft setback on the side of the property there is an existing dwelling. Sect 15.34#11b. Lot of discussion, proposed measurement for setback to an existing dwelling – 100feet from the property line on a side with an existing dwelling; the side/front/rear that an existing dwelling is the setback from the property line is 100ft.

Attorney suggested a setback from the property line.

Poole suggested removing the church setback. Sect 15.34#11c

Smalley suggested removing the Design Requirements 15.34#12 j-n

Back to map: discussed possible removal of dense house area on M140; Lambert Drive to 12th Ave (M140). More discussion lead to: remove section on M140 approx south of car dealership/bowling alley to McFadden's /Cozy building and continue to Hwy interchange.

A motion was made by Kury to recommend approval to the Township Board, the ordinance and map with the corrections: #1-Overlay zone to remove section on M140 approx south of car dealership/bowling alley to McFadden's /Cozy building and continue to Hwy interchange. #2- #11b

there is to be a setback of 100ft from property line on the side of the property there is an existing dwelling; front/side/rear. #3- remove #11c; no additional setback from a church. #4-remove Design Requirements j-n. A second by Tippman. Roll Call vote:

Poole Yes; Dibble Yes; Tippman Yes; Odland Yes; Nicol Yes; Kiry Yes; Meyer Yes. 7-0 yes.
Motion passed.

10) Staff & Subcommittee report

ZBA report- Tippman – no meeting

Board report – refer to Board minutes

Zoning report – Smalley – no report

11) Commissioner Comments and Public Comment

12) Adjournment

at 11:00pm

Respectfully Submitted by:

Tasha Smalley

Zoning Administrator/Recording Secretary