



VILLAGE OF PENTWATER

Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN
65 N Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
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Regular Meeting Minutes – August 24, 2021

Chairperson Bruce Koorndyk called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:02 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

ROLL CALL

Present: Bruce Koorndyk, Paul Anderson, Chris Conroy, Mary Temple, Amy Roberson, Michelle Angell-Powell, and Ron Stoneman (arrived at 6:16 pm).

Absent: None

Staff Present: Keith Edwards, Zoning Administrator, and Brian Monton, Village Attorney.

APPROVAL OF AGENDA

Motion by Angell-Powell, second by Chris Conroy to approve the agenda as presented. Chairperson Bruce Koorndyk suggested to postpone the two new business items on the agenda dealing with Future Land Use until the September meeting. Angell-Powell accepted the change, and Paul Anderson seconded.

Voice Vote: Aye: 7 Nay: 0 Absent: 0 Motion passed.

APPROVAL OF REGULAR MEETING MINUTES

Motion by Angell-Powell, second by Mary Temple to approve the July 27, 2021, regular meeting minutes.

Voice Vote: Aye: 7 Nay: 0 Absent: 0 Motion passed.

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA:

Dan Filius of 513 W. Lowell - objected to an unlimited number of marijuana licenses and the Village Manager as the sole determinant as one that approves licenses. Marijuana sales should not be allowed in the Village, and he suggests maintaining prohibition.

Dennis Rowley of 55 E. Hanover – asked why the Village would want marijuana sales and what tax advantage there was? What do the citizens get? Planning Commissioner Michelle Angell-Powell answered Mr. Rowley that the benefit would be approximately \$28,000.00 to the Village.

Charles Timmer of 255 E. Lake Road – commented that he is familiar with dispensaries in Michigan and suggested that the use will cause traffic congestion.

William Gigowski of 550 S. Clymer – considers marijuana sales a nuisance under section 19.04 of the Zoning Ordinance. He commented that the use will also increase (traffic) congestion, decrease air quality, decrease public health, and increase crime.

Jim Young of 85 Ellery St. – commented that downtowns in West Michigan are not bringing in marijuana and that the use would change downtown. The revenue will not equal the cost of detrimental effects.

Jared Griffis of 340 S. Wythe – provided a history of the new ordinance. Marijuana invalidates the protection of public health. THC is the problem. The character of the community will change and will degrade property values.

Mary Schumaker of 549 Clymer St. – encourages scheduling a public hearing to allow marijuana sales in the C3 Zoning District.

Kelly Dorien of 438 Sixth Street – is in favor of dispensaries and suggested that the Planning Commission approach the topic prudently.

Father Samuel Morrison of 101 S. Wythe – is not in favor of marijuana sales. He prefers the promotion of family values and healthy lifestyles.

Dan Hoekstra of 160 E. Fourth Street – is concerned about (ordinances) processes and Village Council agendas. Prefers committee make the decision on licenses rather than the Village Manager.

Dean Jessup of 420 Chester Street – suggested that the C3 Zone is illogical, prefers sites with parking like strip malls. Parking is not available (in the C3 Zoning District).

PUBLIC HEARING – None.

OLD BUSINESS:

A. Pentwater Yacht Club – 205 S. Dover St. – Final Site Plan Review.

After a brief review of the plans with applicant Rockford Construction, Mary Temple moved the Planning Commission Conditional Approval of the Final Site Plan subject to the 4 conditions listed in the Staff report dated August 18, 2021, including:

1. Exterior signage to be addressed by separate permit review;
2. Receipt of Soil Erosion Permit from the Oceana County Drain Commissioner;
3. Addressing items 1a and 1b on Sheet L-201 of the Final Site Plan documents as listed above; and,

4. Village Council approval of license for use the public right-of-way of Dover/Second Street for the accessory building (shed) and dumpster enclosure.

Michelle Angell-Powell seconded the motion. Chairperson Bruce Koorndyk called for a roll-call vote.

Voice Vote: Aye: Temple, Angell-Powell, Conroy, Anderson, Roberson, Angell-Powell & Stoneman. Nay: 0 Absent: 0 Motion passed.

B. Proposed Zoning Ordinance Amendment - Medical and Recreational Marijuana Provisioning Centers/Retailers.

Chairperson Bruce Koorndyk asked Planning Commissioner Chris Conroy to present a summary of the research conducted by herself and Amy Roberson to the Planning Commissioners.

Chris Conroy identified that they (she and Amy Roberson) looked at cities and villages similar to Pentwater in West Michigan including Manistee, Honor and Newaygo. Newaygo has thus far opted out of retail establishments. Conroy suggested that an ordinance for the City of Lathrup Village (Oakland County) distinguishes between retail differences. Ms. Conroy ascertained from her interviews that more than 5 locations is ideal for marijuana retailers, but Pentwater is a different brand of small mom and pop operators, not commercial franchises. Marijuana retailers average about 10 employees per location. Many retailers provide curbside pickup and on-site parking. There is continuous traffic of customers which may not be feasible for the lack of parking available in the C3 Zoning District. A traffic study may be needed for Pentwater. Cheboygan retailers did not visually conceal the contents of retail establishment. Cedar Springs, in her experience was the only retailer in a downtown setting and the Zoning Ordinance requires Special Land Use approval. Many of the towns visited do not allow residential uses over (above) marijuana stores. Her review of other ordinance had different requirements for distancing such facilities including buffering. She also would like to review the information that was reviewed by the Village Ordinance Committee and Village Council.

Planning Commissioner Mary Temple stated that from August 2020 to May of 2021, the Village Ordinance Committee had no reports. She also questioned why the police power ordinance passed by the Village Council allowed for an unlimited number of marijuana retailers? Village Attorney Brian Monton explained that without an unlimited number of licenses available, then the Village would have to develop a scoring system for judging which applicants would get a license. Mr. Monton's preference is to take any subjectivity or bias out of the review process for applicants so as not to expose the Village to possible litigation.

Chris Conroy explained that Cheboygan limited the number of licenses to six (6). She then summarized the licensing requirements stated in the new Village ordinance, chapter 115 of the Code of Ordinances.

Chairperson Bruce Koorndyk asked Mr. Monton if the Village Council could make changes to the licensing ordinance. Mr. Monton indicated that yes, the Council could make changes that they thought were necessary.

Mary Temple asked if the issued license should state that the consuming marijuana on-site would not be allowed. Mr. Monton responded that consuming marijuana in public, and a retailer is considered public, is a violation of the State Statute.

Chairperson Bruce Koorndyk closed the Planning Commission discussion.

NEW BUSINESS - None

COMMITTEE/DEPARTMENT REPORTS

- A. Zoning Administrator** – Mr. Edwards’ written report was submitted to the Planning Commission.
- B. Zoning Board of Appeals** – The Zoning Board of Appeals did not meet in July 2021.
- C. Master Plan Steering Committee** – No meeting, no report.

PUBLIC COMMENTS:

Claudia Ressel-Hodan of 490 Sands – assured Planning Commissioners that the Ordinance Committee would provide additional information. She too has been concerned about the process and thanked the Planning Commission for their work.

Jared Griffis of 340 S. Wythe – commented that the Village Council should consider repealing the licensing ordinance start the consideration process over.

Paula DeGregorio of 270 Sands – commented that marijuana retailers should not be in the Village due to traffic problems and that even the Yacht Club creates parking problems.

Dennis Rowley of 55 E. Hanover – asked what the financial benefit would be to the Village. Michelle Angell-Powell said that she would provide additional information but that \$28,000.00 is the average in Michigan.

Curt ? of 635 Maple Lane? – is concerned about substance abuse. He identified that addicts have problems with access to care. Heed the warnings of harm caused by substances. Do not make these substances easy to get. Greed also causes problems, capitalizing on people’s

needs. What is the cost to the community? Pleads for people to heed the warnings.

Dan Hoekstra of 160 E. Fourth Street – suggests that the Village Council revisit the matter and suggests the people attend the next Council meeting.

Amy Labarge of 605 Sixth Street – has many questions about the process and is concerned about large money getting what they want.

Dean Jessup of 420 Chester St. – commends the Planning Commission for their work and is concerned that information is not getting to the Village Council – the process is broken.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS:

Chairperson Bruce Koorndyk announced that he will not be able to attend the next meeting of the Planning Commission on September 28th and that Michelle Angell-Powell, Vice Chairperson will lead that meeting.

ADJOURNMENT

Motion by Chris Conroy, second by Ron Stoneman to adjourn the meeting at 8:00 pm.
Voice Vote: Aye: 7 Nay: 0 Absent: 0 Motion passed.

Respectfully Submitted,
Keith Edwards, Zoning Administrator

September 2, 2021

Approved by the Village of Pentwater Planning Commission on September 28, 2021.