



**VILLAGE OF SPRING LAKE
PLANNING COMMISSION**

MINUTES
REGULAR MEETING
January 22, 2019 7:00 PM

**Barber School Community Building
102 West Exchange Street
Spring Lake, MI 49456
49456**

1. CALL TO ORDER

Vice Chairman **Bohnhoff**, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Bohnhoff, Johnson, Martinus, Nauta, Van Leeuwen-Vega, and VanStrate.

Absent: Kauchek

3. APPROVAL OF THE AGENDA

Motion by **VanLeeuwen-Vega**, second from **Johnson**, to approve the agenda as presented. All in favor, motion carried.

Yes: 6 No: 0

4. APPROVAL OF THE MINUTES: December 18, 2018 regular meeting

Motion by **Van Strate**, second from **Johnson**, to approve the minutes from the December 18, 2018 regular meeting. All in favor, motion carried.

Yes: 6 No: 0

5. Public Hearing

- A. Recreational Marijuana Regulations:** The Planning Commission will consider text amendments to the Zoning Ordinance to prohibit recreational marijuana establishments from all zoning districts in the Village of Spring Lake. A new Section 390-35-1 will be added to the Zoning Ordinance.

Vice Chairman **Bohnhoff** introduced this item.

Jennifer **Howland** explained that the Planning Commission was being asked to consider a proposed text amendment to the Zoning Ordinance to prohibit recreational marijuana establishments from all zoning districts in the Village of Spring Lake, and that the Village Council was also considering an amendment to the Code of Ordinances related to prohibiting recreational marijuana establishments. **Howland** also said that at their December meeting, the Village DDA unanimously recommended approval of the proposed text amendment to prohibit recreational marijuana establishments in all zoning districts.

Vice Chairman **Bohnhoff** opened the Public Hearing at 7:02 p.m.

Lee Schuitema, 408 W. Exchange, said he was not in favor of having recreational marijuana establishments in the Village. Mr. Schuitema said that his experiences in the work place with people that smoked marijuana were not favorable.

There was no other public comment.

Motion by **Van Strate**, second from **Martinus**, the Public Hearing was closed at 7:05 p.m. All in favor, motion carried.

Yes: 6 No: 0

Nauta asked what Council was looking for from the Planning Commission. **Howland** explained that Council wanted a recommendation to exclude recreational marijuana establishments in the Village. **Van Strate**, said that Council had discussed this and, at this time, did not want to allow marijuana establishments until more regulations were in place. **VanLeeuwen-Vega** asked to clarify that they were talking about two different things, that what had been on the ballot legalized the use of recreational marijuana in the State, but this discussion was about whether or not to allow recreational marijuana establishments in the Village. **VanLeeuwen-Vega** said that even though it was voted in at the State level, it doesn't mean that residents want to have it sold in the Village. **Nauta** said that he did not think it was the Planning Commissions job to say whether recreational marijuana was right or wrong, so he did not want that to be the motivation to vote no. **Bohnhoff** asked if this excluded medical marijuana. **Howland** said that this ordinance only covered Recreational Marijuana. **Martinus** said that he liked the "Wait and See" idea and that he didn't think this was the brand or image that the Village was looking for. **Johnson** said he agreed, and that the Village was progressing down a defined path for the development of the Downtown District and that, as a parent with young kids, he did not want to add that to the Village. **Johnson** also said that as a graduate of the University of Colorado, Boulder, he had spent plenty of time around marijuana, and had visited there last summer and found that there were no establishments for recreational marijuana sales and, since the end of prohibition, they have had 100 years, give or take, learning to evolve with alcohol establishments and this was the wild west of regulations for recreational marijuana and there might be changes in the future. **Bohnhoff** said that he liked the idea that they could change the

ordinance at any time if they found they were shooting themselves in the foot by not allowing these kinds of businesses and revenue and that he was torn but felt something should be put in place until the State regulations were established and then they could revisit the issue. **Nauta** said that the problem was, they don't know, and that everyone has had their experiences but there was no research to back anything up. **Nauta** also said that it made him uncomfortable when it was said we want to keep a certain kind of people out of town, because they would then have to start defining what kind of people they do want to come to the Village. **Johnson** said that when you start talking about increasing the volume of people coming to the Village to partake in, whether it's alcohol or marijuana use, increases the risk factor for pedestrian accidents when they were trying to make the Village more pedestrian friendly. **VanLeeuwen-Vega** said they had to remember that this was a little different because there were bars in every community, but there were very few communities where this was legal, so there would be a higher than average percentage of people seeking out these services, causing the Village to end up as a destination, if only, because they were one of the few places where recreational marijuana was available. **Martinus** said that he had a degree in economics, and after listening to everyone, there was a business case for carving out a niche, if that's the way the community wanted to go, to become the best community for dispensing and having recreational marijuana but was that really what they wanted with the new developments. **VanLeeuwen-Vega** asked that if they decided to vote to not allow, was there a certain amount of time before they could revisit the policy. **Howland** said she did not know if there was a policy on the books for waiting to change a law. **Bohnhoff** said that if they voted to not allow, then they could revisit down the road after the State had the regulations in place. **Van Strate** said that it was going to be a year before anything happened at the State level. **Nauta** said they could regulate how many dispensaries and what they could do at them. **VanLeeuwen-Vega** said she wasn't sure if they could regulate how many. **Nauta** said that they regulate how many liquor licenses and they regulate how many gas stations. **Nauta** said he thought they should put a moratorium on this until they had more information because he thought it sent a different message than adopting an ordinance would. **Johnson** said that they did know that the surrounding communities were opting to not allow it. **VanLeeuwen-Vega** asked if they could put a moratorium on this. **Howland** said that they could not, that the ordinance before them was what had been noticed to the public for a hearing, so that was what they needed to act on. **Howland** said she would have to do research on the process and time limits of moratoriums, but she was uncomfortable suggesting that the Commission pursue that directions at this time because they had this ordinance that many, many communities in Michigan had hired an attorney firm to put together and that was what the Village Council had asked the Commission to consider. **Howland** suggested that the Commission take a vote to see if they wanted approval or denial and then let Council take a look at it. **Martinus** said that his opinion had changed, that he would love to have the Steve Jobs of marijuana establishments present a great business proposal, but Steve Jobs would not be able to do that if they passed this motion. **Howland** said that was correct, but they could come before Village Council with their request to open that kind of business and Council could decide if

they wanted to direct the Planning Commission to consider regulations that would allow it, but at this point, that was not the position that Council was proposing. **VanLeeuwen-Vega** said that she thought it would be easier and safer to put this in place now and revisit it in a year or so, rather than having 4 or 5 marijuana establishment open for business and then try to make it illegal. **Bohnhoff** said it would be at least a year before the State made it legal. **VanLeeuwen-Vega** said it would just be harder to take that right away once it was given. **Bohnhoff** said that once it was on the books as illegal, no one would come to the Village to ask. **Nauta** suggested that if they voted this motion down, they could then suggest a moratorium. **Johnson** said that this was the motion that had been recommended and the DDA voted on it unanimously and that he would like the Planning Commissioners to individually have a voice, a yay or a nay, because this was what their constituents were looking for from the Planning Commission.

Motion by **Johnson**, second from **VanLeeuwen-Vega**, to recommend approval of the text amendments to the Zoning Ordinance to prohibit recreational marijuana establishments from all zoning districts in the Village of Spring Lake. A new Section 390-35-1 will be added to the Zoning Ordinance as shown in the proposed ordinance. Motion failed.

Yes: 2

No: 4 (Martinus, Nauta, Van Strate, Bohnhoff)

Howland asked the Commission to consider making another motion to see if they can get an affirmative vote of something and if they wanted to make an attempt for a motion to recommend approval of the text amendment but that it be revisited in 12 months, that would be appropriate and, if it turned out that they could not make that request, she would let them know. **Martinus** said his concern was that this text amendment would put a big obstacle that would never open up the door for people to want to bring their business to the Village. **Howland** asked Martinus if he was suggesting that they recommend denial of the amendment. **Martinus** said that he was. **Howland** said that was fine, and they could do that by changing one word of the motion. **Johnson** asked if they were going to vote on this because he did not want his name attached to this if it was denied. **Howland** said that he could vote no, and the minutes would reflect his views.

Motion by **Martinus**, second from **Nauta**, to recommend denial of the text amendments to the Zoning Ordinance to prohibit recreational marijuana establishments from all zoning districts in the Village of Spring Lake. A new Section 390-35-1 will not be added to the Zoning Ordinance. Motion carried.

Yes: 4

No: 2 (Johnson & VanLeeuwen-Vega)

6. STATEMENTS OF CITIZENS ON ITEMS NOT ON THE AGENDA

Sherron Collins, 613 Summer St, a member of the Historic Commission, said that this was January of the Villages Sesquicentennial year and to help celebrate, the Historic Commission was looking for important events that had occurred in the Village over the last 75 years since the Village's Centennial. Ms. Collins said they were planning an event for this fall, so she would appreciate any information for this event.

7. ADJOURNMENT

There being no further business, motion by **Van Strate**, second from **Martinus**, the meeting was adjourned at 7:54 p.m. All in favor, motion carried.

Yes: 6

No: 0

Jennifer Howland, Village Planner

Maryann Fonkert, Deputy Clerk