

**MINUTES OF THE GAINES CHARTER TOWNSHIP PLANNING COMMISSION
FOR THE REGULAR MEETING HELD ON
May 27, 2010
AT THE GAINES CHARTER TOWNSHIP OFFICES
8555 KALAMAZOO AVENUE SE
CALEDONIA, MICHIGAN**

I. CALL TO ORDER AND ROLL CALL. The meeting was called to order at 7:01 pm by Chair DeWard.

MEMBERS PRESENT: Rob DeWard, Ted Essenburg, Ronnie Rober, Lani Thomas, Louis Waayenberg.

MEMBERS ABSENT: Connie Giarmo, Tim Haagsma.

OTHERS PRESENT: Brian Tingley, Township Planner, Jeff Gritter, Township Engineer, Jenni Lamb, Recording Secretary.

II. CONSIDERATION OF MEETING AGENDA

MOTION: By **WAAYENBERG**, supported by **ESSENBERG**, to approve the agenda for the May 27, 2010 as presented.

YES: DeWard, Essenberg, Rober, Thomas, Waayenberg.

NO: None.

ABSENT: Giarmo, Haagsma.

MOTION CARRIED.

III. CONSIDERATION OF MEETING MINUTES

MOTION: By **WAAYENBERG**, supported by **ESSENBERG**, to approve the minutes for the April 22, 2010, regular meeting as presented.

YES: DeWard, Essenberg, Rober, Thomas, Waayenberg.

NO: None.

ABSENT: Giarmo, Haagsma.

MOTION CARRIED.

IV. INQUIRY OF CONFLICT OF INTEREST: None.

V. ADVERTISED PUBLIC HEARINGS:

1. **Rezoning – 7006 Kalamazoo Avenue SE – File 10040JK – ~~WITHDRAWN~~.**

Tingley announced that the applicant had formally withdrawn the request for a rezoning to the Office-Service zone because the potentially buyer wished to operate their business as a home occupation, similar to when Krome Construction operated from the site as an expanded home occupation through special use approval. The potential buyer, a bridal/alteration business, intended to submit an application to amend the existing special use approval to allow for the installation of an exterior display window, which will be on the June 24 agenda as a public hearing.

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

VII. DEVELOPMENT REVIEW AND OTHER MATTERS:

1. **Medical Marihuana – Potential Zoning Ordinance Regulations.**

Tingley reviewed the history of the item and the work that staff and legal counsel had completed since the joint Township Board/Planning Commission meeting in April. Tingley stated that further review of the Michigan Medical Marihuana Act reveals that commercial grow operations or dispensing operations are not authorized or permitted. Instead, the Act focuses on the right of qualified patients and caregivers to possess and use limited amounts of marihuana, and the sole right to cultivate marihuana for their individual use in a secure facility. Based on this,

Tingley presented zoning ordinance text amendments that would effectively prohibit any medical marijuana based use or business. However, the proposed text amendments would allow for a primary caregiver or qualified patients to grow and use their own marijuana at their residence, or for a primary caregiver to grow and personally deliver marijuana to a limited number of qualified patients in their residence. Violations of the Act, or Michigan Department of Community Health (MDCH) would be handled by the appropriate law enforcement agency.

DeWard found from Tingley that a Township resident has expressed interest in operating a dispensary. DeWard added that there still needed to be an outlet for medical use, but that local governments could restrict how and where

Tingley stated that the proposed regulations attempt to strike a balance between the provisions of the Act and the integrity of the Township's neighborhoods and commercial districts. Tingley stated that there is still much uncertainty regarding this issue and the further changes could be made based on legislative changes to the Act, rules of the MDCH, State Attorney General opinions, changes to federal law, and/or case law.

Waayenberg found from Tingley that the Act allows qualified persons to dispense to up to five patients.

Tingley stated that staff if the Planning Commission was comfortable with the proposed regulations, the next step would be for staff and legal counsel to prepare a separate police power ordinance that would complement the zoning ordinance regulations and enhance the Township's ability to regulate medical marijuana.

DeWard found that there was a consensus among the present Commissioners that staff work with legal counsel on the preparation of a police power ordinance.

2. **Adult Oriented Businesses – Potential Zoning and Police Power Ordinance**

Tingley stated that the Zoning Ordinance currently had no provisions for adult oriented businesses (AOBs), and that the AOB use should be addressed in order to avoid an exclusionary zoning claim. He explained that after the discussion at the joint Township Board/Planning Commission meeting in April, staff had removed the I-1 zoning district as a potential location for AOBs, thus limiting them to only the I-2 zoning district. This change, when combined with the proposed separation distance requirements, would restrict the total number of AOBs to approximately 2-3 within the Township, based on the number of parcels zoned I-2.

DeWard found that AOBs would need to be 215 ft. from a playground or school, and 500 ft. from another AOB.

Tingley stated that each community is unique and should adjust AOB regulations to fit the individual community.

Waayenberg stated that he did not want AOBs located near any of the schools or parks in the Dutton area, and he had a problem with an AOB using Dutton Industrial Park Drive for ingress/egress.

Tingley responded that the Township had to be careful of exclusionary zoning claims, and that the number of parcels zoned I-2 is already very limiting. He stated that adopting AOB regulations does not reflect endorsement by the Township and that AOBs may never choose to locate in Gaines. Tingley is requesting permission from the Planning Commission to schedule a public hearing on the proposed ordinances regulation AOBs.

MOTION: By **ROBER**, supported by **THOMAS**, to proceed to a public hearing for the proposed ordinance amendments for adult oriented business regulations.
YES: DeWard, Essenberg, Rober, Thomas, Waayenberg.
NO: None.
ABSENT: Giarmo, Haagsma.
MOTION CARRIED.

3. **Partnerships for Change – Sustainable Communities – First Steps Service Grant**

Tingley explained the multi-jurisdictional planning grant opportunities administered by the Land Information Access Association in Traverse City. First Step Service Grants are relatively small, with a maximum project cost of \$7,000. Staff believed the grant could set the stage for future joint land use planning between the Planning Commissions and Corridor Improvement Authorities of both Gaines and Byron Township. The Byron Township Planning Commission had already supported it and now staff was looking for further support. The Byron and Gaines Township Boards would need to approve the grant application.

DeWard liked the idea of “finding a sense of space” as stated in the draft grant proposal.

Tingley stated that Byron Township is currently conducting subarea planning that may coincide with this grant opportunity.

MOTION: By **WAAYENBERG**, supported by **THOMAS**, to support submitting a First Steps Service Grant proposal through the Partnerships for Change – Sustainable Communities program.
YES: DeWard, Essenberg, Rober, Thomas, Waayenberg.
NO: None.
ABSENT: Giarmo, Haagsma.
MOTION CARRIED.

VIII. COMMITTEE REPORTS:

1. Parks and Recreation Committee:

Tingley stated that an updated schedule for the Nonmotorized Transportation Plan was included with the agenda packet. The 2nd subcommittee has been scheduled for June 9th. In addition public open houses have been scheduled for June 22 and July 13. The enclosed flyers have been distributed advertising those events and soliciting public input for the Plan.

Tingley reported the educational tree grove planting is complete, and that the signage will be installed soon.

IX. DISCUSSION: None.

X. ADJOURNMENT.

MOTION: By **WAAYENBERG**, supported by **THOMAS**, to adjourn.
AYES: DeWard, Essenberg, Rober, Thomas, Waayenberg.
NAYS: None.
ABSENT: Giarmo, Haagsma.
MOTION CARRIED.

Meeting Adjourned at 8:00 p.m.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the May 27, 2010, regular meeting of the Gaines Charter Township Planning Commission held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

Louis Waayenberg, Secretary
Gaines Charter Township
Planning Commission

Dated: _____, 2010
GCTPC 5/27/10