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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on January 4, 2018**

10 A regular meeting of the Kalamazoo Charter Township Planning Commission was
11 conducted on January 4, 2018 commencing at 7:00 p.m. at the Township Hall at 1720
12 Riverview Drive.

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Present were:

19 Jim Cripps
20 Jeremy Hathcock
21 William Chapman
22 Fred Nagler, Chairman
23 Denise Hartsough
24 Henry Dingemans
25 Tonnie Hitt

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Absent were:

28 None

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Also present were Township Manager Dexter Mitchell; Township Zoning Administrator Patrick Hudson; Township Attorney Roxanne Seeber; and 35 additional interested persons.

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Call to Order

41 The chairman called the meeting to order.

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Approval of meeting minutes

The first item on the agenda was approval of the December 7, 2017 minutes, a draft of which had been provided to the members in their packets. Cripps suggested changes to correct minor errors in two places, as did Hartsough. Cripps moved, supported by Hartsough to approve the minutes as corrected. The motion passed unanimously. The changes were made on the face of the minutes; Dingemans signed them and they were provided to Hudson.

Set Agenda

A draft agenda had been provided to the members in their packets. Cripps and Nagler worked to re-arrange the agenda so that the less controversial items would be moved to the top of the order, as they would be more quickly addressed. Cripps moved, supported by Dingemans to approve the agenda as amended. The motion passed unanimously.

1 **Old Business**

2
3 The first item for consideration on the amended agenda was the Boji Group request for
4 a 12-month extension of site plan approval for the former Davenport University property.
5 Andrew Rozelle, engineer, spoke on behalf of the applicant indicating that the site plan
6 was about to expire and requested a 12-month extension of the same. Chapman
7 wished to ensure that the hotel was included as part of the site plan approval. Rozelle
8 indicated that nothing would change. Cripps considered the letter requesting extension
9 and stated that it seemed to speak for itself. Chapman inquired about the use of the
10 existing buildings for police department training. Rozelle confirmed that some of the
11 buildings were presently being used for police department training. There being no
12 additional questions or concerns, Cripps moved, supported by Hathcock to grant a
13 12-month extension for the prior site plan approval to Boji Group for the former
14 Davenport University property. The motion passed unanimously.

15
16 **Preliminary Discussion Kalamazoo County Animal Shelter**

17
18 The next item for consideration under the amended agenda was a preliminary site plan
19 review for the proposed Kalamazoo County Animal Shelter to be located within the
20 county services PUD at a new location on Healy Street. Dave Rackowicz, project
21 manager for the new animal shelter spoke regarding the application, saying that the
22 county had been working on a replacement for the existing shelter for about 10 years.
23 The county board of commissioners had allocated \$5,000,000 towards the construction
24 of a new shelter, which it was now hoping to fast track for approvals. CHMP
25 architecture is the design consultant for the project and Andrew Rozelle is its
26 designated engineer. Rachowicz explained that the proposed new animal shelter was
27 to be located about 100 feet south of the existing shelter on Lamont Street, in
28 Kalamazoo Township.

29
30 Rachowicz explained that the City had annexed the jail property on the county's
31 complex, but that the rest of the county services, including the animal shelter and the
32 fairgrounds were located in an approved PUD in the Township. The neighboring
33 properties in the PUD were used as the jail, a property/grounds department and the
34 fairgrounds. No outdoor dog runs were planned, so noise would not be an issue,
35 Rachowicz stated. He asked for consideration in terms of potentially less landscaping,
36 due to the proximity to the jail where public safety concerns were paramount. There
37 were not any significant changes to the operation of the animal shelter. Rachowicz
38 indicated that there had been concern about people coming and going from the jail and
39 not using the street. As such, landscaping screening was not desirable.

40
41 Greg Mason, project architect, walked the group through the preliminary drawings while
42 manager Mitchell projected them on the screen for all to see. Mason stated that the
43 property was flat. His desire was to obtain the input of the Planning Commission on the
44 preliminary plan. He showed the existing road and the proposed new center driveway
45 to the proposed shelter's parking lot. 30 parking spaces were provided in the front of
46 the building, with employees parking on the west (back) side. Hudson and Fire

1 Marshal Kowalski had requested a back-up lane for fire truck maneuvering, which had
2 been provided. Mason showed the entrance area landscaping, with a flagpole and
3 some design elements. The retention pond, he said, ties into the storm sewer on
4 Lamont Street. They had already met with the county drain commissioner. The
5 Township's Fire Marshal had indicated a need for a new fire hydrant, the location of
6 which was designated on the map on the west side of the property. There would be
7 new water service provided. The staff parking area on the west side of the building was
8 to be fenced and secured. Most of the screening, Mason indicated, would be provided
9 on the south and east of the building where it could be seen by the public. He pointed
10 out the couple of outdoor dog runs on the north side of the building. They had provided
11 for 22 trees and 106 shrubs in the proposal. They were almost in compliance with the
12 ordinance's landscaping requirement, however, they only showed about half of the
13 required number of bushes. Mason indicated that one side of the proposed driveway
14 would have a curb, while the other side would be gravel at the request of the
15 fairgrounds for when they needed overflow parking. He had calculated that 56 parking
16 spaces would be required, based on his reading of the ordinance's requirements, and
17 56 had been provided. The new shelter, he said, was quite a bit larger than the
18 existing one.

19
20 Turning to the interior design, Mason pointed out the various amenities that were
21 provided. He pointed out the increased-size dog containment areas, which were quite a
22 bit larger than the current ones and met the modern standards for human treatment.
23 He explained that each ward held nine dogs.

24
25 Mason next turned to the elevation drawings, pointing out the design for the exterior.
26 Hudson stated that his parking calculations were made based on calculation of the dog
27 wards as "storage areas".

28
29 Cripps inquired about screening for the dumpster, as well as its odd location. Hudson
30 read section 26.04 of the zoning ordinance into the record. He inquired as to whether
31 the Planning Commission considered the addition of a building a "minor change" which
32 would not require a public hearing, or a "major change" which would require a public
33 hearing. Rachowicz explained the dumpster location, indicating that the hauling service
34 could not access the fenced-in areas of the jail and fairgrounds. The garbage hauler
35 made a "loop" around the buildings and was able then to pick up all of the refuse even
36 when the buildings were not accessible. Mason indicated that the dumpster would be
37 screened on one side. The sheriff's department and the Kalamazoo Township Police
38 Chief had indicated a desire to eliminate the screening for safety purposes. Screening
39 just meant another location for someone to hide, he reasoned. The proximity to the jail
40 was the main concern, as most of the transport for the county would be entering the
41 jail's intake area through this location. Rachowicz acknowledged that an employee
42 would have to take the trash outside and down to the dumpster on a sidewalk. In
43 response to inquiries from Cripps and Chapman, Mason stated that the dumpster is a
44 "normal" 8-square yard dumpster with a lid. The only difference was a chain link fence
45 surrounding it, rather than a solid one.

46

1 Hathcock noted that he had been to the county’s animal services facility within the last
2 month. He was glad to hear that the dogs were getting bigger kennels. Mason stated
3 that all areas would be served with 100% outside air, to eliminate the potential for
4 cross-contamination between different dog wards. Cripps understood the public safety
5 aspect. He requested letters from law enforcement as to the need for reduced
6 screening around the dumpster. Mason stated that he would arrange to get these and
7 provide them to the Planning Commission.

8
9 Dingemans requested the applicant to address the shrub issue. Mason showed the
10 proposed arborvitae on the street side, indicating that they do not want to put much
11 landscaping on the jail side of the building, for safety purposes. Dogs and shrubs
12 historically don’t mix well, Mason noted. Hudson stated that the Zoning Ordinance
13 required landscaping along the road.

14
15 Mason stated that 60 shrubs are required along the jail side of the property. He wished
16 to reduce this number to around 30. Hudson read Section 5.02b “landscaping adjacent
17 to roads” from the Zoning Ordinance. In response to an inquiry from Dingemans, the
18 applicant stated that Lamont is a public road, maintained by the county road
19 commission. He showed a road in the front of the jail, which was not a public road.
20 Nagler noted that the intent of the ordinance was to provide a visual separation between
21 competing land uses. In response to an inquiry from Mason, Nagler stated that the
22 ordinance should be followed with respect to the properties along Lamont Street.

23
24 Hudson requested guidance from the Planning Commission as to the PUD amendment.
25 In response to an inquiry from Seeber, Hudson stated that he had been unable to locate
26 the original PUD approval in the Township’s records. Mason stated that he would
27 provide a copy to the Township. Nagler stated that there appeared to be a consensus
28 that the landscaping along Lamont Street would be required. In response to an inquiry
29 from Hudson, Nagler stated that the PUD amendment was a “major” one since a new
30 building was being added. Seeber stated that a notice of public hearing would be
31 required, and that the Township Board was the approving body for PUD amendments,
32 while the Planning Commission was the recommending body.

33
34 **Panse Greenhouse Rezoning Request**

35
36 The next item on the agenda was the request of Panse Greenhouses, LLC to rezone
37 their property partially addressed as 4038 N. Westnedge located on the east side of
38 North Westnedge between G Avenue and Tyler Street (Parcel Nos. 3906-03-105-044;
39 3906-03-105-125; 3906-03-105-162; 3906-03-105-163; 3906-03-105-171) from the
40 existing R-2 District Zoning Classification to the I-2 Industrial District Zoning
41 Classification. The rezoning, if approved, would allow any of the permitted or special
42 land uses authorized in the I-2 District Zoning Classification. Nagler invited Hudson to
43 outline the request. Hudson indicated that the request was to rezone the entire
44 property to I-2 General Industrial in order to qualify for a medical marijuana grow facility
45 license. The property, he said, is occupied by a large greenhouse operation on three of
46 the parcels. Article 12, Section R-2 of the Township Zoning Ordinance provides for

1 “horticulture and truck farming” as a permitted use, however, the Ordinance cannot list
2 medical marijuana grow facility as a permitted use nor as a permitted special use in a
3 residential district. It can only be undertaken in agricultural or industrial at this time,
4 Hudson stated. State rules will allow grow facilities in an I-2 district, he explained. The
5 Panse property abuts the I-2 District on the east. The Panse Greenhouse is surrounded
6 on two sides by small single-family residential lots. On the south side along Tyler Street
7 are several large parcels but these are also occupied by homes. Towards the east end
8 of Tyler are a number of vacant parcels zoned R-2. There is one large undeveloped lot
9 on the east side zoned R-3, but beyond that to the east are vacant properties zoned I-2.
10 The future land use plan adopted in 2008 shows the property projected for medium
11 density residential use. Hudson stated that he cannot recommend rezoning the
12 property to industrial because of the close proximity of existing residential uses and the
13 other allowed uses within the I-2 district, most of which could be incompatible with
14 residential uses. The Township is prohibited from granting use variances, he said. In
15 addition, he said, normal planning practice would not recommend the rezoning without
16 an amendment to the master plan as well. The Planning Commission is not allowed to
17 suggest a conditional rezoning, but it is authorized to consider an offer of conditional
18 rezoning, if one is made.

19
20 Dean Panse, 4038 N. Westnedge, provided a history of the greenhouses. They had
21 suffered a catastrophic collapse of the greenhouses in the past. They had rebuilt and
22 received the Governor’s Award for energy efficiency. They wished to ensure that the
23 lives of their employees would remain stable. The operation is more like a family than a
24 corporation. Some employees have been there for more than thirty years, he said.
25 Dean Panse continuing, indicating that they found themselves at a crossroads. They
26 wished to continue to provide stable employment for their families and employees.
27 They have spent a lot of their lives in the greenhouses. They wished to rezone,
28 renovate and provide for the greater good of all, he said.

29
30 Kari Panse spoke on behalf of the applicant. She stated that they had grown
31 substantially, but that their margins were getting worse and worse. The business had
32 started out in celery, then moved to bulbs, then to bedding plants. The percentage of
33 profits for bedding plants had continued to dwindle, so they need to have more
34 flexibility. They are presently located in an R-2 residential district. They have a vast
35 landscape that is muck land and cannot be used for anything else. They care about
36 their neighbors and the Township, and they need to continue to exist. They want to
37 stay around, she said. They employ people, they pay taxes and they provide beauty to
38 the environment.

39
40 The Township Attorney explained that the request was to rezone property to the I-2
41 district. There would be a public hearing conducted on that request. A rezoning would
42 allow any of the uses that were permitted in the I-2 District Zoning Classification. An
43 alternative had been proposed which was a “conditional rezoning”. This was sometimes
44 explained as a “contract to zone”. Basically the applicant would come to the Township
45 and say that it wished to conduct one or two of the permitted uses and that it will forgo
46 all of the other uses. In this way, the Township could be assured of the particular use

1 and circumstances of operation and it would not open the property up for all of the uses
2 permitted in the proposed district. For example, she said, a property owner could come
3 in and say that it only wished to allow a professional office and not all of the other uses
4 permitted in a commercial area. If the conditions were not satisfied, she explained, the
5 property would revert to the original zoning. In this case, the Township Attorney stated,
6 she had received a conditional rezoning request from an attorney representing Panse
7 Greenhouses. Hudson had not received it and no one had brought it to the meeting.
8 She obtained it from her office computer and Hudson printed it for the members of the
9 Planning Commission. Seeber read it aloud while Hudson made copies. In response to
10 an inquiry from Dingemans, the Township Attorney stated that the agreement, if there
11 was one, would be reduced to writing and recorded with the county register of deeds.
12 Kari Panse indicated that she had intended to request the conditional rezoning, but had
13 forgotten about it. She understood that the request was to undertake “commercial
14 agricultural uses and uses ancillary thereto”, office and signs as allowed by the
15 Ordinance. They did not intend to undertake heavy-duty industrial operations, such as
16 that being undertaken at Quality Precast down the street. In response to an inquiry
17 from Nagler, Seeber indicated that the present greenhouse operation was being
18 operated as a nonconforming use. Kari Panse indicated that they wished to offer the
19 conditional rezoning to the Planning Commission. Hudson distributed copies to the
20 members.

21
22 The Chairman opened a public hearing on the request. Rick Harris, Portage, Michigan,
23 indicated that he is an employee of Panse Greenhouses. He has worked for them for
24 two years, since moving to the area with his wife from the east coast. Thanks to Panse
25 and the atmosphere, he felt that he was now part of a family. They are very close and
26 they take care of each other.

27
28 Kate VanBruggen of Stassen Avenue was initially hesitant to consider a rezoning to
29 industrial, given the proximity of her house to another industrial property that has
30 caused a lot of problems. Given the explanation of the conditional rezoning, she was in
31 support of the request. She would like to see multigenerational growth for them.

32
33 Susan Banner, 518 Edison, has lived in the area for 42 years. She was unaware until
34 this evening as to the conditional rezoning potential. She wished to see the Township
35 adopt regulations, including spacing requirements for medical marijuana facilities before
36 the rezoning was considered. The area is made up of mostly residential properties.
37 She wished to see clear buffer zones because they live near Markin Glen Park, an
38 elementary school, and the little league. There may be a ripple effect from marijuana
39 facilities. She felt that the responsible method for consideration would be to put the
40 regulations in place first.

41
42 Bruce Rowland, 4019 N. Westnedge, stated that the area is primarily residential. He
43 was concerned about kids walking to school in traffic along Westnedge Avenue. He
44 stated that approving an industrial site near his house was unwise, as it was near an
45 elementary school, the Kalamazoo Valley River Trail, Markin Glen Park, and the
46 Plainwell Little League. He read from the description of single family residential

1 districts, indicating that they were to be predominantly single family detached dwellings.
2 There were two churches in the area.

3
4 Carole Matthews, 425 W G Avenue, lives right behind the greenhouses in question.
5 She has been there for 40 years. She felt that the Panses could make enough money
6 selling flowers like the other greenhouses in the area do. She didn't want them in her
7 neighborhood.

8
9 Suzanne Rowland, 4019 N. Westnedge, had done a lot of research. She read a listing
10 of concerns about secondary effects, odor, and reduced property values. People who
11 struggle with addiction come to her house. Having a marijuana grow facility so close
12 may bring temptation upon them. She did not wish to have the marijuana facility in an
13 area where it doesn't make sense. She stated that grow houses were the least
14 desirable of all of the medical marijuana facilities. They are "literally stinky", she said.
15 The odor permeates the whole area. People don't want to live near grow sites, she
16 said. Crime rates will rise. Growing medical marijuana on N. Westnedge does not
17 make sense, she said. There was simply too much to lose in property value and peace
18 of mind. She advised that the Township would do well to consider what the City of
19 Portage is doing and look at its ordinance as an example for spacing requirements and
20 the like. Northwood should be considered a poor location for industry in general. Her
21 neighborhood should be protected from a business "chugging and stinking next door",
22 she said.

23
24 Barbara Mahiur, 4118 N. Westnedge, opposed the request. She indicated that the
25 notice said that any industrial uses would be allowed. New development was only
26 supposed to be consistent with the existing uses, which were all residential, she said.
27 A medical marijuana facility would not be good neighbors. She was concerned about
28 the school children and their safety.

29
30 Andy Patton, 237 West G Avenue, backs up to the greenhouse. He voiced concern
31 about security. He has already seen people going through the windows. What will
32 happen when they put the marijuana in there? People will be breaking in and trying to
33 get the product. He was concerned about the odor and management of the use.

34
35 Jeremy Rowland, 4019 N. Westnedge, stated that Portage had eliminated greenhouses
36 from potential growing sites. That is what Kalamazoo Township should do. The
37 property is too close to the school.

38
39 Jon Taylor, 1914 Forest Drive, stated that the Township should figure out its buffer
40 zones first. Marijuana facilities have carbon filters, so there is no smell escaping. No
41 one is going to steal uncured marijuana, he said. No one is going to break in. A
42 producer has to cure marijuana to get the THC into it. The security concern is really in
43 processing centers and provisioning centers. He was there for a provisioning center.
44 There is far more merchandise in a liquor store or stereo store. He felt that it was
45 appropriate to wait until the Township decides what its buffer zones are going to be.

46

1 Walter Matthews, 425 West G Avenue, stated that his property butts up against the
2 greenhouses. The east side of the greenhouses abuts a railroad track. When
3 marijuana grows, it has THC in it. He didn't think it should be in a residential area. It
4 should be in Cooper Township. It shouldn't be around the schools, parks and where
5 everyone lives.

6
7 Todd Westrate, Nazareth Road, doesn't live anywhere near the property under
8 application. He found the issue to be very interesting. He thought it unusual that one
9 of the people who spoke in favor worked for the Panse Greenhouses for four years. His
10 heart goes out to the residents that have lived in the area for 40 or 50 years and their
11 houses are all that they have. They probably don't have the money to fix their houses
12 up. He fought for his country. The neighbors who spoke are passionate about their
13 property. He urged the group to look at the applicants, what do they drive? What do
14 their houses look like? Their bank accounts? His leg was a sacrifice. Similarly, these
15 people are fighting for their residential properties. If the zoning goes through, he said,
16 they will be homeless. He indicated that the Planning Commission members do not live
17 in the area, so they would not be able to be in their shoes. He recalled that federal law
18 always trumps state law. Marijuana is illegal under federal law. He noted that the
19 applicants seemed "cocky and rude". The medical marijuana is supposed to help
20 people, he said, not make billionaires.

21
22 Hathcock noted that the ordinance under consideration later in the meeting had
23 setbacks in it. Odor should not be an issue because there is negative pressure inside
24 the building or carbon filters to neutralize the odors. Security would be on the premises
25 24 hours a day and 7 days a week. Hartsough understood the request to work on
26 regulations, requirements and parameters. Dingemans suggested that some of the
27 decisions related to the later discussion might eliminate this property from eligibility.
28 They might not want to rezone, he said, particularly if they cannot meet the buffer.
29 Cripps understood the staff recommendations. The rezoning request was not in
30 compliance with the master plan. The planning commission cannot spot zone, he said.
31 It doesn't make any sense to rezone in an R-2. The operation of the greenhouse is
32 lawfully nonconforming, he said. Cripps noted that the planning commission had
33 received 5 letters and 6 comments in opposition, and one neutral. It did not make
34 sense to him to move forward with the request given the lack of compliance with the
35 master plan and the potential for spot zoning.

36
37 Hathcock stated that they are presently running a greenhouse now. It may not even be
38 a new facility, he said. The construction might be sturdier. There may be some
39 industrial areas. Cripps stated that the proposed use will need some
40 information/standards/parameters that the Planning Commission has not yet addressed.
41 Dingemans agreed with Cripps. He was not in favor of the rezoning. Hartsough moved
42 to table the request. The motion failed for lack of support. Dingemans moved to deny
43 the rezoning request for the reasons spelled out in the staff memo and for failure to
44 follow the master plan. Cripps supported the motion and it passed 5-2 with Hartsough
45 and Hathcock voting in the negative. The Township Attorney asked the Chairman to
46 address the conditional rezoning application separately. Cripps moved, supported by

1 Dingemans to reject the offer of conditions to rezone. The motion passed 5-2 with
2 Hathcock and Hartsough voting in the negative.

3 4 **Draft Ordinance on Medical Marijuana**

5
6 Hudson introduced a revised sample ordinance on medical marijuana facilities.
7 Hudson reported that he had met with the cities of Kalamazoo and Portage, their city
8 managers and attorneys, and with Manager Mitchell. The ordinance provided to the
9 Planning Commission at the meeting had incorporated some of the information that had
10 been addressed at the Tuesday meeting with the cities.

11
12 Hudson indicated that the latest draft required 1000-foot buffering from schools and
13 libraries. He inquired about a separation between uses. There was also a 500-foot
14 radius from parks, playgrounds, religious institutions and day care centers. This
15 matches that which is being proposed in Portage and Kalamazoo. He inquired about
16 whether measurement would be taken from the property lines. Provisioning centers
17 were not allowed on a property that directly abuts the residential district. Finally, there
18 had been a provision indicating that there would not be any facilities located within 250
19 feet of the municipal border. Manager Mitchell confirmed that there was an agreement
20 with the other municipal entities about the 250-foot border. This would allow for a total
21 500-foot separation distance between municipal boundaries.

22
23 Mitchell provided the map as requested at the prior Planning Commission meeting. It
24 showed a 600-foot buffer from all residential areas. Upon consideration of this map, it
25 appeared that the only areas open would be near Main and Drake, and out by
26 Nichols/Ravine roads, in addition to the industrial-zoned areas in the Township.
27 Dingemans voiced a desire to retain the 600-foot separation distance from residential.
28 Mitchell indicated that if all of the facilities would be concentrated in a few areas,
29 stacking would be allowed. The group discussed stacking in general and all were in
30 favor of allowing that which would be permitted by the state. Mitchell reminded the
31 group that grow facilities would only be authorized in industrial zoning districts in the
32 Township.

33
34 The group discussed the proposed ordinance setbacks. All were in general agreement
35 with the 1000-foot setback from schools and libraries; 500 feet from playgrounds, parks,
36 public housing, religious institutions, and colleges. Dingemans wished to ensure that
37 there was a setback from housing. Cripps agreed, but indicated that 500 feet could be
38 supported.

39
40 Next, the group undertook a discussion about whether the setbacks would be counted
41 from property lines or from the buildings. Mitchell gave an example regarding a large
42 property that could meet building setbacks, but not property line setbacks. Mitchell
43 stated that the border setbacks from municipal boundaries were from the property line.
44 Chapman wished to ensure that 500 feet was provided from daycare centers. Hathcock
45 was satisfied with the buffer zones. He reasoned that there would be a small amount in

1 commercial, with most of the rest allowed in industrial. He felt that the Township Board
2 would also be satisfied with this.

3

4 The group discussed whether stand-alone provisioning centers would be allowed in
5 industrial districts. The group determined that it would not rule out stand-alone
6 provisioning centers in industrial districts. Mitchell provided statistics on the numbers of
7 churches, banks, coffee shops and gas stations in the Township. In comparison, he
8 said, the numbers of medical marijuana facilities should be taken in respect to those
9 numbers. Hathcock stated that he would like to see all forms of medical marijuana
10 facilities in the Township. There are regulations like crazy. Hitt noted that the
11 Township Police Chief did not wish to see a concentration in one area. The group
12 discussed whether to require a 500-foot separation between provisioning centers.
13 Dingemans voiced concern that the public was not really in favor of medical marijuana,
14 given the comments at the meeting. He wished to protect residential areas as much as
15 possible. Cripps suggested using the language “building, parking lot, improvements,
16 the closest point of which shall not be located within 500 feet of the property line”.
17 Dingemans was in favor of using property lines as the measuring point, the same as
18 that used for adult regulated uses. Furthermore, he wished to ensure that whatever the
19 Township came up with would hold up in court.

20

21 Nagler stated that there are already standards for lighting, parking spaces and the like.
22 Dingemans determined that a 500-foot buffer zone from residential was reasonable.
23 Hartsough recalled that everything would be a special use, therefore there was no
24 “carte blanche” for uses.

25

26 Hudson inquired as to whether setbacks would be different than that required by the
27 Zoning Ordinance in the district. Nagler and the group did not feel a need for separate
28 setbacks. Cripps asked if all could agree that “site improvements” could be used as the
29 measured point for setbacks. Therefore, any improvement, including the parking lot
30 would have to fall outside of the buffer area. Hudson voiced understanding of this and
31 indicated that he would amend the draft ordinance accordingly.

32

33 Cripps suggested disallowing dispensaries in C-1. This, he said, was because adult
34 uses are not allowed in C-1. After considerable discussion, it was determined that the
35 amount of C-1 zoned property that would fall within the setbacks would be minimal.
36 Dingemans stated that he had a hard time calling a marijuana dispensary a “drug store”.
37 Cripps stated that the ordinance could always be amended to allow it in more areas in
38 the future. Hathcock did not see a reason to take provisioning centers out of C-1.
39 Hartsough noted that the eligible areas are shrinking rapidly.

40

41 Cripps and Nagler suggested that the setbacks in the districts as contained in the
42 ordinance were sufficient. The rest of the group agreed, for purposes of individual site
43 plans only. The group was mostly content to allow the provisioning centers in C-1 and
44 C-2. Cripps called the group’s attention to the on-site security provisions, indicating that
45 housing for an on-site manager was allowed in I-2, but that there was no similar
46 provision in I-2 or the commercial districts. The group went through the ordinance and

1 noted that Cripps was correct; however, Hudson and Nagler felt that the proposed
2 amendment sufficiently covered the allowance for housing for on-site security. Cripps
3 was not certain that the proposed ordinance resolved the issue. Hudson understood
4 that the intent was for 24-hour security. Cripps indicated that he should add a housing
5 provision or residency to the I-1 district zoning classification to cover growers. Hudson
6 did not feel that it was necessary to make such an amendment. Nagler pieced his way
7 through the ordinance and was convinced that a change was not necessary; although
8 he left the issue partially unresolved for a future meeting.

9
10 Manager Mitchell provided maps, with the caution that they now needed to be amended
11 to show: 500 feet from residential zones; 250 feet from the municipal border; 1000 feet
12 from schools and libraries; and 500 feet from playgrounds, day care centers, churches
13 and the like. He indicated that he would have new maps prepared before the next
14 meeting.

15 **Open Discussion**

16
17
18 Jon Taylor, 1914 Forest Drive, thanked the Planning Commission for its work on
19 medical marijuana and was happy to know that provisioning centers would be allowed in
20 C-1. He owns property on Ravine and Douglas where he would like to put a
21 provisioning center.

22
23 Lloyd Owens owns a genetics firm. He wished to know who to approach in order to
24 determine whether the spot he has chosen is good. Nagler indicated that choosing a
25 spot may be premature. The next map should provide a better indication, he said.

26
27 Adam Taylor inquired about a long building that is within 250 feet of the boundary of
28 another municipality. Nagler stated that the way the ordinance was being considered
29 presently, the building would not be allowed for a medical marijuana facility.

30
31 Russia Northrup, Runnymede Street, inquired about allowing multiple uses in the
32 industrial districts.

33
34 Kyle Barker, 110 Crown Street in Westwood, wished to know the benefit of counting
35 from property lines for the 250 feet from adjoining municipalities. Mitchell explained the
36 reasoning. Seeber indicated that the agreement with the adjoining municipal entities
37 was for 250 feet from the property lines.

38
39 In response to an inquiry from Adam Tucker, Nagler stated that there was an intention
40 to allow a provisioning center in the industrial districts as a stand-alone.

41 **Correspondence Received**

42
43
44 Hudson stated that the Planning Commission had received a notice of intent to amend
45 its master plan from Comstock Township.

1 **Report of Township Board Representative**

2
3 Hathcock thanked the members of the Planning Commission for its hard work. He
4 reported that the board meets on Monday.

5
6 **Report of the ZBA Member**

7
8 Nagler reported that there was no ZBA meeting the prior month.

9
10 **Comments from Planning Commission Members**

11
12 Cripps provided a photo of a cleared sidewalk on West Main Street to Mitchell,
13 indicating that the work was done by a private person all along the street. Mitchell
14 stated that the sidewalk clearing issue was a work in progress.

15
16 Mitchell stated that Federal Attorney General Jeff Sessions reported that he was going
17 to repeal the “Cole Memorandum” which, in effect, allows individuals in those states
18 where marijuana is legal or legal for medical purposes to be free from federal criminal
19 prosecution.

20
21 Given the complexity of the matters before the Planning Commission and the timeline
22 for approval of an ordinance amendment, the group discussed setting a special
23 meeting. It was determined that the Planning Commission would meet again on
24 January 18, at 7:00 p.m. Hudson indicated that he would handle the noticing.

25
26 **Adjournment**

27
28 There being no additional business before the Planning Commission, upon motion of
29 Hathcock and support by Dingemans, and unanimous approval, the meeting was
30 adjourned at 10:00 p.m.

31
32 Respectfully Submitted,

33
34
35
36 _____
37 Henry Dingemans, Secretary
38
39