



**PARK TOWNSHIP  
PLANNING COMMISSION  
MINUTES**

**Regular Meeting  
May 17, 2011  
6:30 PM**

**DRAFT COPY**

Chair, Nicki Arendshorst, called the regular meeting of the Park Township Planning Commission (PC) to order at 6:30 PM.

Present: Nicki Arendshorst, Bill Cole, Bob Ellis, LeeAnne Jachim, Jeff Pfost, Steve Schaftenaar, Tom Vanderkolk

Others: Andy Bowman, Planning Consultant and Dan Martin, Legal Counsel

Chair Arendshorst introduced the new commissioner, Tom Vanderkolk

**APPROVAL OF AGENDA**

**MOTION**

A motion was made by Commissioner Ellis and supported by Commissioner Jachim to approve the agenda.

**VOTE**

Motion carried: 7/0

**APPROVAL OF MINUTES**

The Commissioners reviewed progress to date of the proposed Point West Preliminary Plan for the new Commissioner as documented in the April minutes. Mr. Bowman and Mr. Martin clarified the steps involved in approval of the Final Plan. The Commissioners discussed several components of the proposal and recommendations to be included in the Planning Commission's guidelines for the Final Plan.

Several corrections to the minutes were recommended.

## **MOTION**

A motion was made by Commissioner Cole and supported by Commissioner Ellis to approve the minutes of April 19 as corrected.

## **VOTE**

Motion carried: 6-0 (1)

Commissioner Schaftenaar abstained because of his absence at the April meeting.

The Board agreed to move Public Comment forward prior to the work session.

## **PUBLIC COMMENT**

Harold Miller, 299 Norwood Ave. – Mr. Miller said the house next door to him (287 Oakwood) is installing a pool with a 4' high concrete retaining wall. It's a poor example what should be allowed by Township ordinances. He shared a picture of the pool and wall construction with the Commissioners. He said there appears to be no ordinance restricting filling ground and building a retaining wall for a pool site on lakefront property. The owner has agreed to move the wall a few feet from Mr. Miller's property. In the Park Township rules and regulations there are rules about everything but this type of situation. The front yard on the lake side needs to be controlled – the lake is Mr. Miller's front yard as well. Mr. Bowman asked if there is an association and Mr. Miller said there is not - all the homes in the area are privately owned.

Harry Nelis, 293 Norwood Ave. – Mr. Nelis wanted to reiterate what Mr. Miller said. He has lived there 27 years. It's not an in-ground pool – it's a raised pool and it's unfair that the homeowner is allowed to do this. In the future, next door neighbors should be consulted prior to Township approval. He pays high taxes to have a view of the lake and this is impacting neighboring property.

Mr. Martin explained what is allowed. If this is an above ground structure that is a different matter altogether. Mr. Ellis requested a report from the Township inspector. Mr. Bowman suggested an amendment might need to be added to the ordinance.

## **AGENDA ITEM**

### **#1 – Medical Marijuana**

Mr. Bowman introduced the item and referred to his May 14 Staff Memo. A Medical Marijuana ordinance has been proposed by the Park Township Board and there is currently a moratorium on dispensing of the drug while the Township considers an approach to the issue. The Planning Commission has been asked to review the proposed regulations. Mr. Bowman prepared a chart of ordinances

adopted by several West Michigan communities for the Commissioners to review. There are similarities in what the City of Holland and Holland Township are doing. Both entities are less inclined to include the dispensing of medical marijuana in commercial zones. Park Township proposes an ordinance which authorizes the Planning Commission to approve caregiver facilities as a Special use in C-1 or C-2 commercial zoning.

Mr. Martin said the Township has looked at land use implications in considering the type of zoning for prohibiting dispensaries as a Home Occupation. Some communities are looking at a licensing approach but zoning as a separate issue. He noted that if Home Occupations were allowed as a special use there would be a public hearing that identifies the Home Occupation applicant and the dispensing property. But, at the same time, all identifying information must be held confidential according to the Michigan Medical Marijuana Act.

Commissioner Cole asked if the community has a right to know where these dispensary locations are. Mr. Martin said these locations are supposed to be considered confidential for security reasons. The caregiver usually delivers the marijuana to the patient and patients use it at their premises. Mr. Martin and Mr. Bowman explained all the parameters of dispensing the drug and the options available to the Township.

Commissioner Ellis asked for the rationale on what makes sense for the community. Mr. Bowman said the Planning Commission could leave the matter to interpretation of the Zoning Administrator by handling caregiver facilities as unclassified uses. Commissioner Schaftenaar asked if we could limit how many properties would be allowed for use as dispensaries. Mr. Martin said any limit could be set by the Commission. He also suggested that the Home Occupation approach may be better than “putting up a store front” for these dispensaries. Mr. Martin provided information on what US attorneys in other states have done.

The Commissioners discussed various approaches. Commissioner Cole said the commercial zoning approach would ensure more oversight. Commissioner Jachim asked about control of retail sales of paraphernalia at dispensaries. Mr. Martin explained the law regarding confiscation of paraphernalia and how this relates to a patient administering medical marijuana. Michigan law does not prohibit use of paraphernalia by the patient in this case. It is a difficult area to monitor. Commissioner Pfost asked if the word “unrelated” could be added to “retail sales” in #3 of Subsection 38-423.32. Mr. Martin thought the word “unrelated” was too ambiguous.

Commissioner Cole asked if we can limit the number of patients per caregiver. Mr. Martin said the Planning Commission can dictate the special use guidelines the caregivers must follow to compete in the marketplace. He thought that setting a maximum would probably be advisable. The Township will consider every application in controlling the number of places available.

Mr. Bowman asked if the Township could mandate caregivers keeping records that would be subject to inspection. Mr. Martin said that could be done.

Commissioner Schaftenaar recommended a limit of caregivers per facility to three. Additionally, the ordinance should mandate the primary caregiver must be directly connected to the patient receiving the medical marijuana.

Commissioner Ellis agreed we should be compassionate in our considerations, however, we should be restrictive until the State gets it right with more specific legal guidelines. At this point in time we should put the burden of proof on the individual.

The Planning Commission agreed to limit the number of caregivers to three and the primary caregiver must be directly connected to the qualifying patient to whom the caregiver is providing medical marijuana. Dispensing locations shall be limited to commercial zoning only.

#### **MOTION**

A motion was made by Commissioner Schaftenaar and supported by Commissioner Ellis to approve three changes in the proposed Park Township Medical Marijuana Zoning Ordinance: limit the number of caregivers to three, require the caregiver to have direct connection to qualifying patient to whom the caregiver dispenses the medical marijuana, and the dispensing locations shall be restricted to C-1 commercial zoning. Mr. Martin and Mr. Bowman will write the modified ordinance for future review by the Planning Commission.

Vote: 7/0

Mr. Martin excused himself at this point in the meeting.

#### **#2 – Miscellaneous Zoning Amendments**

Mr. Bowman introduced the zoning ordinance issues to be informally reviewed by the Planning Commission in a working session for the balance of the meeting.

1. Front yard averaging of setbacks of homes within 100' (Sec. 38-494) – The Zoning Administrator requests a change to a higher allowance for averaging setbacks. The goal is to create a higher number for better averaging of setbacks on a street where there are neighboring homes. Township zoning officials recommend 300'. This would allow a fairer averaging standard to determine setbacks that are more equitable to a given neighborhood.
2. Alignment along water lines creates too much variation

3. R-1 signage conflicts (Sec. 575-A5)
4. Defining more reasonable allowable encroachments into yard setbacks
5. Specifying corner lot setbacks and other yards
6. Allowing certain very temporary uses with minor impact such as firewood sales or lemonade stands

The Commissioners generally discussed the above amendments and provided several suggestions for consideration at a later date.

## **ANNOUNCEMENTS**

Chair Arendshorst attended the Committee for the Future meeting on April 21 and strongly recommended the Planning Commission board members attend one of the meetings. The Planning Commission Secretary, LeeAnne Jachim, is organizing Planning Commission bylaws and other documents as part of an annual review. She noted the Planning Commission needs to elect new officers in the near future. The Commissioners discussed three year terms. Commissioner Cole suggested a cutoff date for Commissioners to receive meeting packages from the Park Township office. He said he receives information too late for review before a scheduled meeting. The Commissioners discussed the placement of Public Comment during meetings.

## **ADJOURNMENT**

### **MOTION**

Commissioner Ellis moved and Commissioner Cole supported to adjourn the meeting at 9:47 P.M.

### **VOTE**

7/0

Respectfully submitted,

Judith R. Hemwall  
Recording Secretary  
May 20, 2011