



PLANNING COMMISSION
REGULAR MEETING
August 17, 2010

DRAFT COPY

Present: Nicki Arendshorst, LeeAnne Jachim, Bill Cole, Ed de Vries, Joseph Lampen, Bob Ellis, Dan Martin, attorney and Eric Davis, Zoning Administrator

Absent: Steve Schaftenaar

Nicki Arendshorst, Chairperson, called the regular meeting of the Park Township Planning Commission to order at 6:30 p.m.

MOTION

A motion was made by Cole and supported by Jachim to approve the agenda as presented.

VOTE

Motion carried: 6-0

MOTION

A motion was made by Cole and supported by Jachim to approve the minutes for the May 18, 2010 regular meeting as presented.

VOTE

Motion carried: 6-0

PUBLIC COMMENTS

No one spoke.

AGENDA ITEMS

Item #1 – Medical Marihuana Ordinance

Jachim, chair of the subcommittee, presented the draft ordinance and asked for comments.

Lampen asked for clarification on the procedure used by the subcommittee.

Jachim explained that they looked at materials from the state, other municipalities, community meetings, etc.

Lampen stated that the ordinance, as proposed, would prohibit a pharmacy from being a clinic.

Martin stated that a pharmacy would not be a caregiver facility because it would not be worth it to only be able to serve five patients.

There was a brief discussion on the law and the proposed ordinance.

Lampen asked about asking an applicant to see their license.

Martin stated that confidentiality prohibits the disclosure of confidential information of the patients. If the township asks for such information, a FOIA request could become problematic. He recommended not asking for a copy of the license.

Davis clarified that the special use would be issued for the property and it might be possible that it would not even be known who the caregivers are. He reminded the planning commission (PC) that a special use remains with the land.

De Vries clarified that the township doesn't enforce the licensing.

Martin clarified that the township could impose a condition that the special use would be revoked if the state law were not complied with. There was a discussion on adding this to the general conditions.

Ellis asked the goal of the subcommittee.

Davis stated that it was to keep the caregiver facilities out of neighborhoods.

Ellis asked about enacting another six-month moratorium to watch some of the lawsuits to see if this can be kept out of the township altogether.

Martin stated that the township and the county both voted in favor of this state law. He asked what authority the PC would have to overrule the voters.

Ellis stated that he felt that there are unintended consequences to this law that he felt that the voters didn't foresee. He stated that he had seen an item on the news that made it appear that having these types of facilities could bring in a person that would not be "a qualified person in terms of background and things like that".

Davis clarified that the ordinance, as proposed, was written to control where a dispensing facility can be located. He reminded the PC that qualified patients are allowed to grow marijuana at their houses according to the current state law.

De Vries stated that the ordinance can be modified as things go along and he felt that it is better to have an ordinance in place.

After discussion, it was decided to add a general condition to make sure that a caregiver facility complies with the Michigan Medical Marijuana Act (MMMA).

Lampen wondered about asking about hours of operation, exterior lighting and security features.

After discussion, it was decided to add these considerations to an existing standard.

Ellis stated that he felt that the proposed ordinance looked good. He asked for clarification on whether it is mandatory to approve a special use.

Martin clarified that it is mandatory, but only if the special use meets the standards; and the standards are subjective.

Davis clarified that a caregiver facility would be prohibited as a home occupation, but a patient would be able to grow their own plants.

The public hearing was opened at 7:23 p.m.

No one spoke.

The public hearing was closed at 7:23 p.m.

MOTION

A motion was made by Jachim and supported by Lampen to recommend approval of the proposed medical marihuana ordinance, as amended, to the Park Township Board.

VOTE

Motion carried: 6-0

ANNOUNCEMENTS

1. Arendshorst encouraged the PC members to attend at least one of the master plan workshops.
2. Arendshorst stated that the developers for the Pt. West project had met with some of the Macatawa cottagers and stated that they may be coming back to the PC in September.

MOTION

A motion was made by Lampen and supported by Jachim to adjourn at 7:35 p.m.

VOTE

Motion carried: 6-0

Sandy Brodie
Recording Secretary