

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD OCTOBER 13, 2016

Agenda

Old Business:

- a. Landscape Ordinance Amendments**

Other Business:

- a. Medical Marijuana Dispensary**
 - b. Food Trucks as a Temporary Use**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, October 13, 2016 commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair
Fred Antosz
Wiley Boulding, Sr.
Dusty Farmer
Pam Jackson

MEMBER ABSENT: Mary Smith

Also present were Julie Johnston, Planning Director, Martha Coash, Meeting Transcriptionist and two other persons.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

The Chairperson asked if there were any additions, deletions or corrections to the Agenda.

Ms. Johnston suggested item seven "Old Business" be moved ahead of item six "Any Other Business" to allow the audience member who was in attendance regarding medical marijuana dispensaries to hear discussion on that item first.

Chairperson Loy asked for a motion to accept the amended Agenda.

Ms. Jackson made a motion to accept the amended agenda as suggested. Ms. Farmer seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy noted there were no audience members who wished to comment on non-agenda items and proceeded to the next item.

Approval of the Minutes of September 22, 2016

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of September 22, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of September 22, 2016 as presented. Ms. Farmer seconded the motion. The motion was approved unanimously.

Chairperson Loy moved to Other Business and asked Ms. Johnston to review the request regarding opening a medical marijuana dispensary.

OTHER BUSINESS

a. Medical Marijuana Dispensary

Ms. Johnston explained the Michigan legislature recently passed some new medical marijuana laws that may impact the Township's current ordinance, but said Staff has not yet had an opportunity to review the new legislation. Currently, the Township Zoning Ordinance addresses medical marijuana under Section 78.900: Home Occupations. Section 78.910.L allows for the growing and distribution of marijuana as a home occupation for a primary caregiver as defined by the Michigan Medical Marihuana Act, P.A. 2008. Section 78.910.L.10 specifically prohibits dispensaries.

She said Mr. Jerald Brown has approached the Township requesting the opportunity to open a dispensary. Planning staff informed him that this type of use was not allowed and that the only way that it would be permissible is if a zoning ordinance change was recommended by the Planning Commission and approved by the Township Board. He requested an opportunity to speak to the Planning Commission on this issue.

Mr. Jerald Brown, 4012 Rockwood and owner of Lawrence Productions located at 6146 West Main St., told the Board he is an entrepreneur interested in new revenue

streams. He noted there has been confusion about legal issues regarding supplying medical marijuana since 2008 when it became legal to sell in Michigan. Since then several clinics have opened and closed in the Kalamazoo area.

He said P.A. 281 of 2016, the Medical Marijuana Facilities Licensing Act, clarified regulations and expressed his interest in opening a provisioning center. He would purchase marijuana from a grower and sell it to patients. He believes his location is convenient and that it would likely meet all stipulations. If the Township were to decide to permit establishment of such a facility, he would apply for a license. He acknowledged this is a difficult subject for some people and speculated recreational marijuana may be legalized in Michigan in the future.

Chairperson Loy noted there had been two dispensaries in the area previously and that policing was an issue. Some research will be necessary to see what is involved.

Ms. Johnston explained the new legislation gives the Township a year to opt in. If that occurs, a percentage of the tax revenue to the state would be returned to the Township. There would also be an annual fee imposed. To allow dispensaries, the Township Board would need to approve a change to the Ordinance and the Planning Commission would need to decide where dispensaries could be located and include that in the Zoning Ordinance.

There was discussion about how many dispensaries might be allowed, that it would be important to solicit public input, that states are looking for more revenue and this may be the tip of the iceberg, that dispensaries were prohibited in the Township in 2014, that the property in question backs up to a residential neighborhood and that security could be a big concern and would be similar to a pharmacy, and that this is a good time to begin the conversation.

Ms. Johnston said she would be attending a seminar soon regarding the changes in the new legislation.

Chairperson Loy suggested a path forward: after Ms. Johnston attends the seminar, she and Attorney Porter should review the new regulations and then take a recommendation to the Township Board if appropriate. If the Board approves provision of dispensaries, then the item would come back to the Planning Commission for action. He noted the process could easily take several months to conclude and thanked Mr. Brown for coming to the Board now to give ample time for consideration.

Ms. Jackson suggested Board Members read information available regarding this issue to become more informed.

b. Food Trucks as a Temporary Use

Chairperson Loy moved to the next item on the agenda.

Ms. Johnston told the Board a food truck owner approached Township Planning staff with a request to place a food truck at the First National Bank at 5313 West Main Street. Based on current Zoning Ordinance regulations, food trucks would be governed under the requirements for temporary events. Staff informed the applicant that only a one day event could be approved administratively and that anything longer than a day would require Planning Commission approval. He was informed the Planning Commission has granted temporary events for up to approximately 30 days.

She said the applicant indicated it was his wish to place the food truck at this location every day (or almost every day) on an annual basis. The truck would arrive before the lunch hour and stay for the remainder of the day. It was unclear when the truck would leave the site, but staff was told it would leave each day. She said it was explained to the applicant the request is outside of the normal approvals granted by the Planning Commission and that further discussion was needed.

She explained there are several potential ways in which to manage food trucks in the Township, including:

- Draft a separate ordinance specifically designed to manage the placement and duration of food trucks on a particular property.
- Manage them as temporary outdoor event in the same manner the Planning Commission currently handles temporary events (setting a specific time frame). Under this option, a time frame could be set as a trial period for the food truck. If things go well, the approval could be renewed periodically by either staff or the Planning Commission.
- Regulate them under the General Ordinance No. 122.000 – Hawkers, Peddlers and Solicitors.
- Regulate them as a prohibited use

Depending on the outcome of discussion, she said the business owner would like to move forward with his request, if possible.

Discussion among Trustees noted food trucks usually come into a business district for lunch over an hour or two, for special events or specific days but that every day seems unusual; food trucks are an amazing idea, but they are place making in an urban area - the location requested does not serve that purpose - it is too close to established restaurants on West Main, would seem like a permanent fixture, and would not be in a safe, walkable area.

Allowing one food truck would mean others would have to be allowed which would be hard on businesses. Generators and other apparatus around the truck would be somewhat messy.

Ms. Johnston explained the Hawkers, Peddlers license available from the Township allows a business to go from place to place, but that is different from parking in the same place every day. She noted the five day permit is like a fireworks special exception use. Once a quarter per vendor is typically what is allowed - if more than one day in one location is requested, the approval of the Board is required.

She was asked to look into a truck that has been seen in the Township Park and a few other areas and to talk with the interested party regarding whether they would be interested in a five day permit requiring action by the Planning Commission.

OLD BUSINESS

Landscape Ordinance Amendments

Chairperson Loy asked Ms. Johnston to review progress on proposed Landscape Ordinance Amendments.

Ms. Johnston distributed copies of the proposed Landscape Ordinance Amendments as adjusted following the September 22 meeting to reflect Board discussion. She noted additional landscaping plans were provided by Karen High to demonstrate the updated language and the existing Ordinance requirements.

She said Staff is close to having the Ordinance ready for Board action except for section 75.D.1 and 2: Total Site Landscaping, for which they are struggling to come up with a solution for requirements. Staff will continue working on that section and will return to the Board with a recommendation for approval of the complete document soon.

PLANNING COMMISSIONER COMMENTS

Ms. Jackson said she would be absent from the October 27 meeting.

Chairperson Loy reminded the Board of the Drake House open house scheduled for October 23 from 2-4 p.m. and updated them on progress on the interior of the house.

Ms. Johnston told Commissioners she and Mr. Clark are working on each District Ordinance as part of re-organization and will have large items to discuss with the Planning Commission a little at a time, with the goal of having a whole new Ordinance for Board approval at once rather than as sections. She expects to discuss the "Residential Districts" section at the next meeting.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:00 p.m.

Minutes prepared:
October 24, 2016

Minutes approved:
November 10, 2016