

REGULAR PLANNING COMMISSION MEETING MINUTES
CHARTER TOWNSHIP OF GRAND BLANC
Grand Blanc Township Government Center
5371 S. Saginaw Street, P. O. Box 1833, Grand Blanc, MI 48480-0057
Held at 7:00 p.m. on January 7, 2010

The meeting was called to order at 7:00 p.m. by Chairman Dan Gellings with the Pledge of Allegiance.

ROLL CALL:

Ryan Thompson, Dolores Coulter, Jay Hoffman, Joe Johnson, Dan Gellings, Jim Wilson, Mike Blondell, Ed Brown, Vince Bandurski

MEMBERS ABSENT:

None

STAFF PRESENT:

Planner Mike Deem, Township Engineer Roger Buell, Township Attorney David Lattie (Late)

PUBLIC COMMENT:

Jeff Garden 10090 Pine Meadows Court (Goodrich), spoke regarding possibly rezoning a parcel of land in Grand Blanc Township (PID #12-26-400-013 & 12-26-400-014) for a carwash near Saginaw and Baldwin Road Roads by the Clark Gas Station.

Mr. Deem stated the land is currently zoned Office Service and the Master Plan shows this remaining Office so the Planning Commission may want to consider this parcel of land during the Master Plan Update.

APPROVAL OF THE MINUTES:

Motion by Mr. Brown, supported by Mr. Wilson, to approve the Minutes of December 3, 2009, with the following amendments: Page 1, Item A: replace "Atwell Hicks" to "Pulte Homes"; Page 2 paragraph 5 & 6 the word "verses" should be "versus"; Page 5 paragraph 5 "Mix" should be "Mixed" . Motion carried 9-0.

APPROVAL OF THE AGENDA:

Motion by Mr. Johnson, supported by Mr. Wilson, to approve the Agenda with the following amendment, at the top of page 1, replace "Special" with "Regular" and remove the Master Plan Discussion under New Business Item C - Due to bad weather Birchler Arroyo is absent from this meeting. Motion carried 9-0.

CORRESPONDENCE: **Planning and Zoning News**
 Letter from Mr. Garden
 Draft Map for ZC #617

OLD BUSINESS: **None**

NEW BUSINESS:

A. ZC #617 – Proposed Text Amendment – Public Hearing

By: Charter Township of Grand Blanc	Re: Proposed Text Amendment
Rep: Michael Deem, Planner	Health Care District, HCD
5371 S. Saginaw Street	xii. Medical Marihuana
P. O. Box 1833	Michigan State Law
Grand Blanc, MI 48480	Special Land Use

Mr. Deem stated a new law was passed in the State of Michigan to allow Medical Marihuana. The Township Police Chief David Stamm asked if the Planning Commission could discuss the possibility of creating an ordinance to help regulate this medical use. Mr. Deem suggested this medical use be allowed in the Health Care District (HCD) and would be an appropriate site for a medical marihuana dispensary. He suggested the following setbacks:

- A. At least one-thousand (1,000) feet from any other medical marihuana dispensary;
- B. At least one-thousand (1,000) feet from an adult regulated use;
- C. At least one-thousand (1,000) feet from all churches, convents, temples and similar religious institutions;
- D. At least one-thousand (1,000) feet from all public, private or parochial nursery, primary or secondary schools, public parks and recreation center; and,
- E. At least eight-hundred (800) feet from any single family or multiple family residential district or use.

The definition would read as follows:

Medical Marihuana Dispensary: A medical marihuana dispensary means any residence, retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides in any manner, marihuana or cannabis or any product containing marihuana or cannabis for medicinal purposes only, as allowed by State Law.

Mr. Deem stated this would be a Special Land Use in the Health Care District. Mr. Gellings asked Mr. Deem to give an overview of the State Law. Mr. Deem stated the State Law allows a licensed primary care giver to possess up to 12 plants per patient for up to five (5) patients.

Mr. Brown had concerns about the Holly Road frontage and Item #D – 1,000 foot setback from a school/nursery school due to an existing daycare facility located at 9462 Holly Road. Mr. Deem stated it falls under the “Care Organization” not school.

Mr. Thompson questioned if Item C – 1,000 feet from all churches, convents, temples and similar religious institutions is a State guideline. Mr. Deem replied no. This setback rule was taken from our Zoning Ordinance, Adult Regulations.

Ms. Coulter questioned the Medical Marihuana Statute and the sale of Marihuana. She stated it is still illegal to sell Marihuana. The new statute only allows a person with the appropriate certified identification card to possess marihuana. She feels it is inappropriate for the Planning Commission to grant a Special Land Use Permit to allow for a Medical Marihuana Dispensary when Michigan Law does not allow for dispensaries. Also, Ms. Coulter questioned the definition of Medical Marihuana Dispensaries as it states "Residence." She feels if it is allowed under State Law for someone with the ID card to possess marihuana in their residence, how can the Planning Commission only allow it in the Health Care District.

Mr. Deem addressed Ms. Coulter's questions. The Village of Lennon just approved a Medical Marihuana Dispensary in their downtown area so the need for an ordinance to oversee Medical Marihuana Dispensaries does exist. Secondly, the definition is not intended for the person who has their Medical ID card for their personal use; it is intended for people who will be distributing marihuana to others.

Attorney Lattie explained the Michigan Statute, the roles of care givers, persons with Medical ID cards, and how the Statute interacts with Federal Regulations.

Mr. Blondell suggested changing the ordinance to possibly limit the volume of medical marihuana being dispensed from a residence. Attorney Lattie reiterated the proposed ordinance would not allow residents to dispense marihuana. Dispensaries would only be allowed in a Health Care District not Residential Districts.

Mr. Gellings suggested omitting the word residence from the proposed ordinance. All agreed.

Mr. Gellings opened the Public Hearing:

Mr. Jeremy Urpinsky, 12164 Dodge Road, Otisville Michigan, Director of the Genesee County Compassion Club, commended the Planning Commission members on the proposed ordinance. He stated his club would like to actively work with the Commission on this ordinance to ensure patients and caregivers rights are protected and the community is protected.

Ms. Lannie Bruso, 7287 Miller Road, Swartz Creek, Michigan, stated her mother is a resident of Grand Blanc Township and wishes for her mother to grow her own medical marihuana.

Mr. Gellings closed Public Comment.

Attorney Lattie stated a patient can possess and grow marihuana for their own use; the proposed ordinance would address the dispensary use of the ordinance.

Ms. Coulter asked where medical marihuana dispensaries are located. Mr. Urpinsky stated there is one in Ypsilanti.

Mr. Bandurski inquired if Chief Stamm had any concerns. Mr. Deem stated Chief Stamm approved of the proposed ordinance.

There was discussion on the setbacks for the proposed ordinance.

Mr. Gellings recommended eliminating the word “residence” from the definition and also item “E” eliminate the term “or use” in the last sentence and eliminate item “A”. Mr. Thompson recommended reducing the setback to 500 feet. Mr. Hoffman concurs.

Motion by Mr. Hoffman, supported by Mr. Blondell, to recommend to the Township Board approval of ZC #617 – Medical Marihuana Ordinance with the above changes. Motion carried 7-2 (Mr. Johnson/Ms. Coulter).

B. Oakland County Parks and Recreation Presentation – Sheila Starks

Mr. Roger Buell, Township Engineer, introduced Ms. Kilbourn of Holly Township Planning Commission and Ms. Starks of Oakland County Parks and Rec. Mr. Buell reported a representative of Oakland County Parks & Recreation contacted his office regarding 543 acres for sale known as the Lost Lake property near I-75 and Baldwin Road. The majority of the land is in Oakland County. Mr. Buell’s intent is to receive feed-back from the Planning Commission regarding the possibility of creating a public park in conjunction with Oakland County.

Ms. Kilbourn stated her desire for a County Park in this area.

Ms. Starks made a presentation on public health issues due to the lack of public parks and the importance of having places for people to go to for personal and family growth. She explained the layout of the land and the lakes.

Mr. Lattie informed the Planning Commission the Township Board is the approving body for Parks and Recreation, not the Planning Commission.

OTHER BUSINESS:

A. Election of Officers

Motion by Mr. Hoffman, supported by Mr. Brown, to elect Mr. Daniel Gellings Chairperson, Mr. Joe Johnson Vice Chairperson, and Mr. James Wilson Secretary. Motion carried, 9-0.

ADJOURNMENT

Motion by Mr. Johnson, supported by Mr. Blondell, to adjourn the meeting at 8:45 p.m. Motion carried 9-0.

Clerk Cathy Lane

By: Maria Maclean, January 22, 2010

COMMISSION APPROVAL: February 4, 2010