

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
December 18, 2017**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the special meeting of the Ross Township Planning Commission to order at 1:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Jim Lauderdale, Chairperson
Russell Fry`
Greg Pierce
Sherri Snyder
Jesse Zamora

Absent: Victor Ezbenko
Jeff Price

Also present: Bert Gale, AGS – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant
Rob Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

It was noted that the ‘Approval of Prior Meeting Minutes’ would be conducted at the January 22, 2018 regular Planning Commission meeting.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

NEW BUSINESS

Chairperson Lauderdale stated that no New Business is scheduled for consideration.

UNFINISHED BUSINESS

1. Medical Marihuana Facilities

Chairperson Lauderdale stated that on November 14, 2017 the Township Board adopted Ordinance No. 205 authorizing the operation of the following medical marihuana facilities within Ross Township: Growers; Processors; Safety Compliance Facilities; and, Secure Transporters. He noted that the Ordinance does not authorize the operation of Provisioning Centers in the Township.

Attorney Thall concurred and explained that the Township Board had determined that provisioning centers were largely a commercial use and that the Township's existing commercial zoning districts were not characteristic of intense retail activity. Further, it was determined that there were established commercial areas in close proximity to Ross Township that would be more appropriate.

Attorney Thall continued that Ordinance No. 205 goes into effect on December 20, 2017 and requires that all authorized medical marihuana facilities comply with the Township's Zoning Ordinance. Accordingly, the Planning Commission has been charged with developing the necessary zoning standards to address the authorized facility options.

Chairperson Lauderdale noted that the Planning Commission had directed Attorney Thall and Harvey to work together toward the development of draft text for consideration.

Attorney Thall referenced the draft text for *Commercial Medical Marihuana Facilities* dated December 15, 2017. He provided an overview of the proposed amendments, noting the following:

- the regulatory approach established is not overly complicated
- a single definition is proposed that is tied directly to the Medical Marihuana Facilities Licensing Act (MMFLA) and Ordinance No. 205
- amendments to the AG, R-R and I-R Districts are proposed to establish where/how the facilities will be allowed
- an amendment to Article 20 – Special Land Uses is proposed that sets forth the standards applicable to an authorized facility
- the standards applicable to the facilities have limited metrics and instead are designed to consider proposals on an impact basis - - to allow consideration of the nature/size of the facility, the property in question, and the surrounding area

Harvey explained that the amendments are designed to allow the following:

- A Grower Facility as a SLU in the AG, R-R and I-R Districts.
- A Processor Facility as a SLU in the I-R District . . . and in the AG and R-R Districts if on the same site as a Grower Facility.
- A Safety Compliance Facility and Secure Transporter Facility as SLUs in the I-R District.
- The clustering of all four facilities within the I-R District.
- Use of the ‘conditional zoning’ approach to achieve the clustering of all four facilities in the agricultural/rural areas of the Township, with the ability to establish desired use parameters.

Chairperson Lauderdale stated that he applauds Attorney Thall and Harvey on the product that has been presented. He noted that this represented an opportunity from the Township Board that the Planning Commission feared would be complex . . . but instead, the draft text that has been developed is simple, easy to understand, and appears easy to apply.

Fry agreed, stating that he initially thought it might be too ‘simple’, but can now see that its construction relies on the State’s Emergency Rules regarding safety and security standards.

In response to Planning Commission questions, the following was discussed and clarified:

- An existing facility in the Township would not be considered lawful and would not have any vested right in continuing under the new Ordinance. A State license and zoning approval would be required.
- The proposed zoning approach allows for consideration of any use scenario . . . but still requires compliance with State ownership restrictions. Land division options would also be available to facilitate the clustering of facilities.
- Subsection D.4. allows for a reasonable assessment of impacts within a community that is not served by public sewer.
- The issue of security is addressed through reference to State requirements (Subsection A.), as well as Township scrutiny through Subsection D.6.
- A Grower Facility and Processor Facility is held to be consistent with the intent of the I-R District in that a Grower Facility will likely be within a large building; processing/compounding are currently allowed uses in the I-R District; and, it is characteristic to have a Grower Facility and Processor Facility operate together.

- The ability to locate a Facility in close proximity to a qualified ‘residential facility’ (i.e. day care home, foster care home, etc.) exists because they are considered ‘permitted’ residential uses. However, the SLU/SPR process requires noticing and allows surrounding property owners the opportunity to advise the Township regarding nearby land use. Further, Subsection D.7. allows the Township to consider ‘*injurious or annoying impacts on surrounding properties.*’

Chairperson Lauderdale then opened up the discussion to public comment.

Kyle Barker stated that he has serious investment plans for the Township and has reviewed the proposed ordinance. He opined that the draft text is very well constructed. He noted that Subsection B. could be impactful if using property lines to establish separation requirements. Barker asked that the Township consider the required measurement to instead be between the facility and the residential property line to take into consideration the size of the facility site and the location of the facility on that site.

In response to Planning Commission discussion, he added that the clustering of facilities through co-location is only one scenario; the use of land suites (different sites) is also commonly used in this industry. He further advised that transport between a Grower Facility and a Processor Facility that are co-located do not require a ‘secure transporter’ if the transport does not require use of a public roadway.

Josh Brodigan stated he represents a company looking to invest \$5 -\$10 million, and possibly the location of their corporate headquarters, in Ross Township. He encouraged the Township to consider allowing the retail element of the industry in the future in that it is ideal for growers to locate close to the sale point and would be an incentive to locate in the Township.

In response to Planning Commission discussion, he noted that ‘growers’ like to be located in industrial zoning districts in that they are generally working with building sizes that range from 50,000 sq ft to 100,000 sq ft that require air conditioning . . and therefore require the availability of 3-phase power.

Alex Harris, Ross Township Deputy Clerk, noted that he works with Kalamazoo County Environmental Health and encourages that the zoning standards adequately address air and groundwater quality protection in that they are key elements of a healthy community.

Devin Broker commented that existing facilities located in rural areas will likely be interested in the ‘transport’ element. He questioned if the Township could restrict what the State allows.

The Planning Commission reviewed Subsection B. in response to comments offered. Chairperson Lauderdale noted that Article 20, Item 5 establishes separation standards for special land uses that are measured between the ‘buildings and activities . . . and the adjacent residential district or residentially-used properties’. He opined that it would be reasonable to have a similar measurement approach in Subsection B. for consistency.

Fry questioned if the reference to ‘public park’ in Subsection B. would include the proposed non-motorized trail system in the Township. Attorney Thall responded that the trail system would be considered a ‘public park’, but not until it is constructed.

Harvey and Thall explained that Subsection B. was intended to provide for a separation from uses that are generally oriented toward children (i.e. schools, playgrounds). It was noted that general ‘institutional’ uses are not included.

Chairperson Lauderdale then directed the Planning Commission through a review of the proposed draft text. It was noted that the proposed amendments to Sections 2.2, 4.3, 5.3, and 12.3, and Article 20 were satisfactory, with the following modifications:

- Change Item 34 to read Item 35
- Modify Subsection B to read: ‘No Commercial Medical Marihuana Facility shall be located within 500 feet of any school or public park/playground with the minimum distance between uses measured between the Facility and the nearest property line of the school or public park/playground.’

Chairperson Lauderdale suggested the Planning Commission consider having a special meeting to hold the public hearing on the proposed amendments to the Zoning Ordinance. Attorney Thall advised that January 8, 2018 is the earliest a public hearing could be held due to noticing requirements. It was noted that a January 8, 2018 public hearing would allow the Township Board to consider the text amendment recommendation at their January 9, 2018 meeting.

Fry then moved to schedule a public hearing on the draft text, as modified, for a special Planning Commission meeting to be held on January 8, 2018 at 7:00 p.m. Snyder seconded the motion. The motion carried unanimously.

It was agreed that the January 8, 2018 special Planning Commission meeting would be held in addition to the January 22, 2018 regular Planning Commission meeting.

Attorney Thall distributed copies of a sample Township Board Authorization application form for Planning Commission reference.

MEMBERS, CONSULTANTS, ADVISORS

No member comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 2:24 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
Township Planning Consultant