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**Charter Township of Kalamazoo  
Minutes of a Planning Commission Meeting  
Held on February 8, 2018**

10 A special meeting of the Kalamazoo Charter Township Planning Commission was  
11 conducted on February 8, 2018 commencing at 7:00 p.m. at the Township Hall at 1720  
12 Riverview Drive.

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**Present were:**

19 Jim Cripps  
20 Jeremy Hathcock  
21 William Chapman  
22 Fred Nagler, Chairman  
23 Denise Hartsough  
24 Henry Dingemans  
25 Tonnie Hitt

26 Also present were Township Manager Dexter Mitchell; Township Zoning Administrator  
27 Patrick Hudson; Township Attorneys Roxanne Seeber and Seth Koches, and 6  
28 additional interested people.

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**Absent were:**

33 None.

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**Call to Order**

38 The Chairman called the meeting to order at 7:00 p.m.

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**Roll call and recognition of visitors**

43 The Chairman noted that all Commission members and approximately 6 visitors were  
44 present.

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**Approval of meeting minutes**

49 The first item on the agenda was approval of the February 1, 2018 minutes. A draft copy  
50 of the minutes had been provided to the members in their packets. This agenda item  
51 was tabled until the next regular Planning Commission meeting.

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**Approval of the Agenda**

56 A draft agenda had been provided to the members in their packets. Hathcock moved,  
57 supported by Cripps to approve the agenda as modified. The motion passed  
58 unanimously.

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2 **Scheduled Reviews**

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4 None.

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7 **Public Hearing – Medical Marihuana Text Amendments**

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9 The next item on the agenda was a public hearing regarding the medical marihuana text  
10 amendments. Chairman Nagler opened the public hearing. Hudson presented the final  
11 draft text to the members. Hudson directed the members' attention to page 2. Attorney  
12 Seeber described the state and township application process. Attorney Seeber  
13 recommended removing "At the time of the application" language from Article 8,  
14 General Regulations 1b. Attorney Seeber also recommended removing paragraph "c"  
15 from the General Regulations provisions. The members agreed. Hudson turned the  
16 members' attention to page 3, paragraph "h" regarding review standards for the  
17 Planning Commission. Attorney Seeber said that this is typical language that should be  
18 included in the ordinance. Attorney Seeber said that the Planning Commission has the  
19 authority to adopt rules for special uses regarding the health, safety and general welfare  
20 of the Township. Attorney Seeber noted that the Kalamazoo Township Fire Marshal  
21 approved the highlighted provision on page 3, paragraph "d." The Planning Commission  
22 member approved these as well.

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24 Hudson said that page 5 paragraph "iii" discusses the measurement of buffers. He  
25 provided a diagram illustrating the same. Chairman Nagler said that the buffer shall be  
26 measured from any use, not only a protected use. Hudson asked who should pay for an  
27 expert to measure the impact of odors. Attorney Seeber said that the applicant will pay  
28 and noted that funds could come out of the applicant's escrow. Hudson recommended  
29 adding "at the applicant's expense" to the draft text. The members agreed. Mitchell  
30 asked if waste management was addressed in the State's emergency administrative  
31 rules. Attorney Seeber said that the applicant should establish a waste management  
32 plan which, at a minimum, is compliant with the State's administrative rules. Seeber said  
33 that waste management plan documentation should be required and therefore the  
34 phrase would be repeated for all medical marihuana facilities approved within  
35 Kalamazoo Charter Township. The members agreed.

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37 A security provision for all approved facilities was added to the proposed draft  
38 ordinance. Chairman Nagler noted the recommended definitions to be included in  
39 Article 1.00, Section 1.03 are contained on page 15. On page 13, Attorney Seeber  
40 recommended deleting the word "non-conformity" and changing it to "facility." The  
41 members agreed. Attorney Seeber indicated that modifications had been made to the  
42 caretaker provisions which met with the Fire Marshal's approval. Cripps was also  
43 satisfied with these changes.

1 **Public Comment**

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3 Tom Sutton addressed the Planning Commission and asked if any environmental  
4 impact studies are required.

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6 Chairman Nagler said that required environmental studies are not part of the ordinance.  
7 Sutton asked if any study was done to determine the impact on the public, such as  
8 increased crime or health considerations. Mitchell said that a California white paper  
9 study was reviewed. Mitchell said that the Township's current and former police chief  
10 had provided input. Attorney Seeber said that the State law allows medical marihuana  
11 facilities and the Township is not giving an applicant any additional rights. Hathcock said  
12 that 33 other States adopted medical marihuana. Cripps said that the ordinance has a  
13 provision that will declare the ordinance null and void if municipal medical marihuana  
14 facilities are prohibited by Federal law in the future. Chairman Nagler said that the  
15 Township Board made the legislative decision to allow medical marihuana facilities and  
16 that the Planning Commission determines where it will be allowed within the Township.

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18 Sherine Miller asked how many trails would be affected by the proposed ordinance.  
19 Mitchell said that trials are excluded from the decision of parks.

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21 Todd Martin asked if the Kal-Haven Trail and River Valley Trail are parks. Mitchell said  
22 that there will not be medical marihuana facilities near a park and there is a 500 foot  
23 buffer.

24  
25 Russ Northrup asked if there is a new zoning map available to review.

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27 Being that there was no other public comment, Chairman Nagler closed the public  
28 hearing and the Commission members entered discussion. Cripps inquired about the  
29 possible environmental impact the medical marihuana facilities may have. Attorney  
30 Seeber said that the administrative rules do not have any requirements regarding an  
31 environmental study. Hartsough asked if any studies are required. Attorney Seeber said  
32 issues requiring some type of study typically come up after the property is sold. Cripps  
33 mentioned this is the case with mines and gravel and waste management. Chairman  
34 Nagler said that there probably is not a lot of impact on the properties and might  
35 improve the brownfield properties. Chapman inquired about the fencing and building  
36 requirements. Cripps said that the Industrial district zoning classification and the  
37 administrative rules have certain requirements. Mitchell said that an outdoor grow  
38 operation needs to be secured. Hathcock said that he likes the way the proposed  
39 ordinance is presented.

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41 Hathcock moved, support by Hartsough, to recommend approval to of the proposed  
42 draft text for the medical marihuana facilities ordinance, with amendments to the  
43 Township Board. The motion passed unanimously.

1 **Old Business**

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7 **New Business**

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9 None.

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12 **Open Discussion**

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14 **Members of the Audience**

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16 None.

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18 **Correspondence received**

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20 None.

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23 **Report of Township Board Representative**

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25 Hathcock thanked the members of the Planning Commission for its hard work.

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28 **Report of the ZBA Member**

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30 Chairman Nagler reported that there was no ZBA meeting the prior month.

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33 **Comments from Planning Commission Members**

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35 Chapman asked about the status of obtaining photograph identifications for the  
36 Commission members. Chairman Nagler said that identification badges are available.  
37 Chairman Nagler thanked the members for their hard work. Hartsough thanked Mitchell,  
38 Hudson and Attorney Seeber for their hard work. Mitchell said that he hoped to get the  
39 final draft of the amended marihuana facilities ordinance to the Township Board by noon  
40 on February 9, 2018. Mitchell said that the first reading will occur on Monday, February,  
41 12, 2018 and there will be a special meeting on February 20, 2018. Hudson said that he  
42 would type up the amendments made to the proposed draft ordinance tonight.

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44 **Report of the Township Attorney**

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46 None.

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**Adjournment**

There being no additional business before the Planning Commission, upon motion of Cripps and support by Hathcock, and unanimous approval, the meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

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Henry Dingemans, Secretary