

**Elk Rapids Township  
Planning Commission**

Special Meeting Minutes – Tuesday May 17, 2011

In the absence of Chairwoman Mischel, Vice Chairwoman Smith presided over the meeting.

Vice Chairwoman Smith called the Special Meeting to order at 6:30 PM at the Government Center, 315 Bridge Street.

Present: Dorance Amos, Jean Derenzy, Jim Lundy, William Larson, Emile Sabty & Shen Smith.

Absent: Renee Mischel.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant. Audience of 4.

**Adoption of Agenda:** M/S – Lundy/Amos. Agenda for 5-17-2011 meeting was adopted unanimously.

**Approval of Minutes:** M/S – Lundy/Amos. Minutes for 3-28-2011 meeting were approved unanimously.

**Public Forum** - None

**New Business**

**Site Plan Review Hearing – Twin Bay Medical, Inc.**

The Vice Chair Smith opened the Hearing for a Site Plan review, requested by Albert and Cheryl Werth, owners of Twin Bay Medical, Inc., 11590 US-31, Williamsburg, Michigan, Tax ID# 05-06-032-009-20, Zoned Commercial.

Mr. Nix gave a summary study of the Site Plan documents presented, indicating that the site plan looks adequate and the request complies with the Zoning Ordinance requirements. He referred to the earlier approved site plan with conditions for the property and that this request is to expand the approved storage area from 2400 to 6400 sq ft. In his memo he referred to the earlier approved conditions as well as new ones that have to be addressed if the approval process goes through. He did not see any problems to hold back this plan.

Mr., Sabty stated that the distributed additional site plan documents were received after the original distribution was made, they answer some questions raised about elevations, surrounding area, lighting with a letter from the Fire Department recommending that Twin Bay Medical participate in their key lock box program and to install and maintain a fire rated door between the existing structure and the new addition. He then presented for Commission review a summary document combining the 4-3-2008 approved conditions with those in the current memo and added the Fire Dept. recommendation for a total of eight (8) conditions should a motion be approved.

With no further discussion and no public input, Vice Chair Smith asked for a motion on the requested Site Plan.

M/S - Sabty/Lundy. Move to approve the Site Plan as presented for Twin Bay Medical, Inc. to expand the previously approved addition to the west side of the original structure from 2400 to 6400 sq ft with the following Conditions:

1. Building elevations, lighting details, and dumpster screening details for the phase 1 addition shall be submitted to the Zoning Administrator for review and approval prior to issuance of any Township permits.
2. Site illumination for all lighting improvements shall be downward oriented and fully cutoff to avoid glare onto neighboring properties or the roadway.
3. Storm water provisions shall be reviewed and approved by the Zoning Administrator or designee prior to issuance of any Township building permit.
4. The applicant shall either secure a permit or a letter of acceptance of the onsite septic system from the County Health Department.

5. Landscaping shall be installed prior to the Township issuing a certificate of occupancy.
6. Future potential parking spaces should be preserved and stay opened; the future parking plan and ultimate storm water calculations will need to be submitted for review and approval prior to the start of any phase 2 elements of the site plan and issuance of any Township building permit.
7. The Elk Rapids Fire Department two recommendations, that Twin Bay Medical participate in their key lock box program, and that they are required to install and maintain a fire rated door between the existing structure and the new addition to the west; this should be satisfactorily completed as recommended.
8. Other uses and conditions previously approved by the Elk Rapids Township that are not associated with Twin Bay Medical, Inc. operations are hereby voided, except for perimeter Cedar hedge screening as existing.

At the motion discussion it was suggested to adjust condition #8 to ensure that the existing Cedar hedge continues and is not removed. The suggested change to condition #8 was approved by the PC unanimously.

Vote: Yes – Amos, Derenzy, Larson, Lundy, Sabty, Smith.

Motion passed 6-0-0. The Site Plan Review was approved.

### **Old Business**

#### **Medical Marijuana – Informal Update**

Mr. Nix was asked to review the suggested Zoning Ordinance amendment draft on Medical Marijuana (MM). He stated that the draft includes a section of definitions related to MM to be added to Chapter 1, and a new section 2.22 titled Medical Marijuana to be added to the Zoning Ordinance. He went over the content of the draft explaining that this ordinance stays within the limits of the Michigan MM Statute that was adopted in 2008. He brought up the practice of other localities adopting ordinances that are not based on the statute content, which creates legal state or federal problem, localities find themselves in. The definition section is very detailed and inclusive, under each subject addressed, so that there is no doubt of what is accepted practice under the statute and that which is not permitted. Localities are adopting ordinances allowing MM dispensing in commercial or manufacturing zones rather than personal dwellings, which is not legal under the Michigan statute, and are causing the federal government to start taking action against such practices.

Questions from the audience were answered regarding the interpretations and functions of a caregiver or a patient and how they relate to some of the MM dispensaries found in neighboring communities. The draft ordinance was used as basis for answering such questions and how and where they are allowed, which adheres to the MMMA. The Act deals with caregivers supplying their registered patients out of their dwelling, that there are no such things as a commercial dispensary or cooperatives, or the like, regardless of what some lawyers might say.

It was expressed that the draft is well prepared; after this discussion, the PC would further study the draft for next meeting.

Vice Chair Smith advocated tabling the MM draft to be discussed at the next meeting, which was approved by the PC unanimously.

### **Correspondence, Public Comments** – None.

### **Members Comments**

Mr. Sabty advised that the Land Division Ordinance and the Subdivision Ordinance were adopted by the Township on 5-10-2011 and should become effective thirty days after being noticed in a newspaper; the effective date would be 6-19-2011.

Mr. Amos advised that at the last Township Board meeting, a question came up regarding the Land Division Ordinance, Private Road width requirement. The TWP Board is asking the Planning Commission to review the

Ordinances on Private Roads and insure that what is there is in compliance with standard practices. Private Roads appear in the Land Division Ordinance Section 7-F-2-(a thru f), and the Zoning Ordinance Chapter 2, Section 2.19.

Vice Chair Smith said that this should be an agenda item for the PC June 21, 2011 meeting, and asked Mr. Nix to review the request and report at the meeting.

As there was no further business Vice Chair Smith adjourned the meeting at 7:33 PM.

Next scheduled meeting will be on Tuesday June 21, 2011 in the Government Center, 315 Bridge Street.

E.S.Sabty, Secretary  
5-17-2011

**Approved 6-21-2011**

Minutes are subject to approval at the next regular Planning Commission Meeting.