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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting
7525 Highland Road
White Lake, MI 48383
July 15, 2010

Mr. Anderson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called. Mr. Meagher and Mr. Woodhouse were absent.

ROLL CALL: Steve Anderson, Chairperson
David Lewsley
Michael Long
Steve Martinko, Vice Chairperson
Peter Meagher, Secretary - **Absent**
Gail Novak-Phelps
Beverly Spoor, Board Liaison
Stan Woodhouse - **Absent**

Also Present: Sean O'Neil, AICP, Planning Director
David Birchler, AICP, Township Consultant
Lisa Hamameh, Township Attorney
Ole Anderson, Township Engineer

Visitors: 42

Approval of Agenda:

It was suggested by Mr. Anderson that the agenda be reworked to move up Item No. 11, Other Business, Discussion of a proposed drive-thru at the BP Mart & Gas Station, before the Public Hearing.

Mr. Martinko moved to rework the agenda to discuss Item No. 11, Other Business, Discussion of a proposed drive-thru at the BP Mart & Gas Station, before the Public Hearing. Mrs. Novak-Phelps supported, and the MOTION CARRIED with a voice vote (6 yes votes).

Approval of Minutes:

Minutes of July 1, 2010

It was moved by Mrs. Spoor to accept the July 1, 2010, minutes as presented. Mr. Long supported and the MOTION CARRIED with a voice vote (6 yes votes).

Call to the Public: (for items not on the agenda)

Mr Anderson opened the discussion for public comment on items not listed on the agenda, but none was offered.

Other Business:

Mr. O'Neil explained that a plan for a drive-thru for Dunkin' Donuts at BP Mart & Gas Station was a conceptual only plan. The idea was to prevent congestion in the morning by providing a drive-thru in the rear of the building. He said the plan was being presented to get some feedback from the Commission as to whether they would be in favor of the idea.

Duane Barbat explained that morning traffic congestion caused by Dunkin' Donuts customers was a problem that could be solved by constructing a drive-thru at the rear of the building. He explained that they would be changing the internal configuration of the building, and would be getting a building permit to do the work.

Mr. O'Neil stated that the easterly M-59 driveway would be striped and signed to prevent left-hand turns from the property onto M-59 and left-hand turns from M-59 onto the property. This plan would also require working with MDOT to get their approval. Mr. O'Neil stated that the owner had agreed to improve the elevation of the building as well as the landscaping. The plan will also require special land use approval so they will have to come back for a special land use permit to be attached to the site plan.

Mrs. Novak-Phelps asked Mr. Birchler if the striped "pork chop" in the easterly driveway would be efficient.

Mr. Birchler stated that, if a driver was intent on making a left turn from the easterly driveway, he could do so, but he did not believe there would be a problem with left-hand turns because the driveway was so close to the intersection and better alternatives would be available to them. He added he felt that signing would be relatively effective.

Mr. O'Neil stated that he would want MDOT to weigh in with their support prior to the matter coming back before the Planning Commission.

Public Hearing:

Zoning Ordinance Amendment No. 58-13

Amend Article 4, Section 4.01 - Conformance with ordinance provisions and other laws and ordinances

Mr. Anderson stated that he wanted to read some of the rules for public hearings for those who had not attended a public hearing in White Lake Township. Three minutes would be allowed per individual speaker or five minutes for a person speaking on behalf of a group with the understanding that no one else in that group could speak. All speakers must fill out a card with their name and address, or a

clipboard is available for that purpose. He also stated that the Planning Commission is a recommending body and welcomes input from the public.

Mr. Anderson opened the public hearing at 7:25 p.m. regarding the Zoning Ordinance Amendment No. 58-13, amending Article 4, Section 4.01, Conformance with Ordinance Provisions.

Mr. O'Neil projected the amendment language on the screen for everyone to see. The current title of the section to be amended is "Conformance with Ordinance Provisions" and is proposed to be changed to "Conformance with Ordinance Provisions and Other Laws and Ordinances." Added to Section 4.01 would be Subsection B which would read "Uses for enterprises or purposes that are contrary to federal, state, county, or local laws or ordinances are prohibited." He stated that the Township Board will have a First Reading of the ordinance amendment on July 20 and a Second Reading at a subsequent meeting. They will publish between the First and Second Readings.

It was asked if the proposed amendment excludes growing in your own home or using in your home.

Ms. Hamameh stated that she is one of the Township's attorneys. She said that this is a zoning ordinance amendment so it does not affect what you do in your home; it affects zoning districts within the Township. A legal use cannot be established in the Township that is illegal under federal, state, county, or township laws or ordinances. State law does not deal with zoning; state law deals with possession. We are not dealing with possession.

Todd Johnson asked if the Township's intention was to revert to federal law when it comes to zoning rules. Mr. Johnson read from state law that a "qualified patient who has been issued and possesses a registry and identification card shall not be subject to arrest, prosecution, or penalty in any manner..... (read from a prepared document)".

Ms. Hamameh stated that if the use is prohibited under federal, state, county, or local law, it is prohibited in White Lake.

Frank Lind asked, if it is legal for a patient to grow twelve plants in their home, what about the caregivers who have five patients and grow sixty plants in their home? He asked if the Commission was there only to receive input, or if they were prepared to give answers to questions. He read a letter from the federal level indicating that federal resources would not pursue cancer patients or caregivers who are operating under a state law that has made medical marijuana legal.

Mr. Birchler stated that the Commission is holding a public hearing to receive input and recommendations, not to provide information and answers.

Ms. Hamameh stated that if patients paid for the service, it would be an enterprise and thus would be illegal.

Bryan Pelkey pointed out that state law does not say where caregivers can grow marijuana.

Kimberly Worden stated that she has gotten with her attorney and is preparing a civil rights lawsuit because she is being violated by being denied her medication.

Dondi Meitz stated that she is a co-host of the Brighton Area Compassion Club. She said that her group can bring revenue to the Township.

Bill Teichman pointed out that Obama has already said that, if it is a medical marijuana state, the federal government should leave them alone.

Cary Justice wanted to thank the Commission for their interest in the medical marijuana issue. She said that we need to work together.

Chris Truscoe is not a marijuana user but has acquired a card to protect himself in the future. He is looking to start a compassion club in White Lake Township and is hoping that the Commission is not trying to discourage business in the Township. He asked about information concerning dates of meetings and hearings and where someone might obtain that information.

Mr. O'Neil stated that agendas for meetings are posted in the building, are mailed to those on a list of people who have asked to receive agendas, and are posted on the Township website. He stated that, if people would like to have the agendas sent to them, they should contact Dena in the Supervisor's office.

Rob T stated that the proposed amendment would hurt White Lake Township due to loss of new business. He provides alarm systems and cameras to marijuana growing businesses.

Mike Fanning stated that this ordinance tells him that he can't grow his own marijuana in his own home and is not allowed to sell marijuana. He is allowed to recover expenses.

Bryan Pelkey asked if it was an enterprise if you received money in exchange for selling marijuana.

Mr. Birchler stated that the purpose of the public hearing is not to answer questions, but rather to hear comments and suggestions from the public to help them make a decision as whether to recommend or not recommend approval by the Township Board.

Mr. Martinko stated that the Commission is recording all comments and suggestions. If there are any other comments or suggestions, the Commission would like to hear them.

Jeff Copeland stated that he is a business owner. He spoke about his frustration with government.

Jason Mitchell stated that he has no home and the co-ops won't help him because of that.

John Tenjeras takes offense to inserting the word "federal" in the proposed ordinance amendment. He felt that the Commission could benefit from more self-education. He suggested a website: medicalmarijuanamallusa.com, and there is a meeting in Waterford VFW on Airport Road on July 25 from 1 to 3 p.m.

Mr. Anderson closed the public hearing at 8:23 p.m. He asked for comments from the Commission.

David Lewsley stated that what this change does is to make it illegal to use any zoning classification for any illegal business activity. It does not specifically exclude any particular business activity.

Gail Novak-Phelps read from a presidential directive which declares a moratorium for U.S. attorneys and federal prosecutors, but does not legalize marijuana nor does it confer a legal defense.

Michael Long stated that the Planning Commission is not a decision-making body; that responsibility is up to the Township Board. It doesn't do any good to harass the Planning Commission. The attorneys and the staff were asked to write a proposal and they did so.

Beverly Spoor stated that she would like to applaud the Planning Commission for holding a public hearing and attempting to learn the opinions of the public.

Mr. Anderson stated that the Township Board has decided to hold two readings, not just one.

Mr. O'Neil stated that this matter is on the agenda of the Township Board next Tuesday at 7:00 p.m. It is up to the Supervisor to decide how much discussion will be allowed at the first reading. The Township Board will decide when the second reading will be held.

Gail Novak-Phelps asked why don't we go to the legislators to get federal legislation instead of fighting the battle ourselves.

It was moved by Mrs. Phelps to recommend the amendment to the Zoning Ordinance, Section 4.01 to the Township Board. It was supported by Mr. Martinko, and the MOTION CARRIED with a Roll Call Vote (Mr. Anderson, yes; Mr. Lewsley, yes; Mr. Long, yes; Mr. Martinko, yes; Mrs. Novak-Phelps, yes; Mrs. Spoor, yes. 6 yes votes).

Old Business:

None

Planning Report:

None

Communications:

Next meeting dates:

Regular Meeting - August 5

Regular Meeting - August 19, 2010

Adjournment

Mrs. Novak-Phelps moved to adjourn the meeting at 8:42 p.m. Mrs. Spoor supported and the MOTION CARRIED with a voice vote (6 yes votes).