

Chair
Bruce Keilen
Vice-Chair
Tim Fair
Secretary
Mike Nolen
Commissioners
Trustee Fedewa
Dale Dailey
Brett Hanlon
Adam Bertram
Erika Hayes
Abby Lorenzen



Community Development Director
Brett C. Wittenberg

Planner
Salam Habhab

Recording Secretary
Linda K. Parkinson

Phone 517.669.6576
Fax 517.669.6496
www.dewitttownship.org

MEETING WILL BE CONFERENCE CALL ONLY
Call-In Information
Conference Dial-In Phone # - 1-623-600-3750
Conference Code – 346832

Per the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order – Gatherings and Face Mask Order dated December 5, 2020, and the Open Meetings Act (OMA) 1976 PA 267, this meeting will be held virtually by phone conference. Per OMA, Board members and public may listen and participate at the phone number above.

The call will be muted to reduce interference with proceedings. The public will be invited to make comments during the public comment sections of the meeting as well as before any vote. If you desire to comment, you will be invited to dial 5* so we can unmute your line. Please contact the Planning Department at (517) 669-6576 with any additional questions.

PLANNING COMMISSION
MINUTES
MONDAY, JANUARY 4, 2021
7:00 p.m.

The regular meeting of the DeWitt Charter Township Planning Commission meeting was called to order at 7:00 p.m. by Chairman Keilen.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Township Community Development Director Brett Wittenberg.

MEMBERS PRESENT: Hanlon, Nolen, Lorenzen, Hayes, Keilen, Dailey, Fair, Bertram and Trustee Fedewa.

MEMBERS ABSENT: None.

APPROVAL OF AGENDA: Fair moved to approve the Agenda as presented. Supported.

ROLL CALL vote on motion:
AYES: 9 NAYS: 0
MOTION CARRIED.

APPROVAL OF MINUTES: Fair moved to approve the December 7, 2020 meeting minutes as presented. Supported.

ROLL CALL vote on motion:
AYES: 9 NAYS: 0
MOTION CARRIED.

CORRESPONDENCE: None.

INTRODUCTION: New Planning Commission members Trustee Fedewa, Commissioner Hanlon and Commissioner Hayes briefly introduced themselves.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **Proposed Ordinance Amendment 20-2 Medical and Recreational Marihuana** – Discussion and possible receive and set for Public Hearing for the February 1, 2021 meeting.

Community Development Director Brett Wittenberg briefly reviewed staff’s memorandum dated December 30, 2020. He noted at the previous meeting of December 7, 2020 there was extensive discussion regarding the retail component. The direction from the Township Board has been for consideration of the following types of marihuana facilities, not including the retail component:

- 1. Grower;
- 2. Processor;
- 3. Safety Compliance; and
- 4. Secure Transporter.

Staff will develop an ordinance to bring back to the Planning Commission with the potential options for the above types of facilities. For tonight’s meeting staff suggests the discussion focus on the following:

- 1. Location – prior discussion was allowing these types of uses within a specific zoning district (e.g. heavy industrial) or, creating an overlay district (specific geographic area).
- 2. Permitted by right or by Special Use Permit?
- 3. Limit on number of uses?
- 4. Separation requirements (i.e. distance between uses and/or residential uses).

Given the unique type of uses, and the fact that these types of facilities are not currently allowed, within the Township, staff believes that it is prudent to take a measured approach to these uses at this time. Consistent with that philosophy, staff’s recommendation regarding the location of these uses would be within a specific geographic area. Furthermore, similar to drive through facilities, it may be a use by right or by Special Use Permit (if located within a certain distance of residential uses).

Wittenberg invited Commissioner discussion.

Fair suggested there be a limit to the number of these types of businesses that are allowed within DeWitt Township rather than use an overlay district.

Nolen stated he is not in favor of retail establishments. Retail facilities already exist close to the Township boundaries. Having an overlay district for the other types of uses seems like a good idea.

Fedewa stated the Board of Trustees has had discussion on this topic. When there was the State-wide vote to see what the population thinks about the use of marihuana. The results showed in DeWitt Township, in every precinct, the referendum passed. It appears the direction of the Township can not be “not in our backyard” and we want nothing to do with this. Perhaps the time is right to move forward. It is important to decide what avenues to consider and try to figure out a logical, slow progression. Realizing that anything the Township does is new and different, especially for DeWitt Township. If decisions seem to be working great that is ok but modifications should also be an option.

Fedewa went on to state he is in favor of limiting the uses to not include the retail component. Regarding the other uses there should be a way to limit the number of these businesses and where they might be located. This is with the idea that any place where someone builds is going to have potential consequences on the neighboring properties. Having said that, we definitely need to respect the rights of the property owners to develop their property to it's highest and best use.

Dailey stated the west side of the proposed overlay district seems to consist mostly of the Granger landfill, Granger Meadows Park and residential. He is not sure if that side of Wood Road should be included. In addition, the ordinance addresses signage. Perhaps signage should be addressed under our current sign ordinance. In addition, he did not see any special revenue opportunities for the Township. Lastly, he is in favor of starting small but potentially expanding the grow operation use into some of the agricultural areas.

Hanlon stated the IH (Heavy, Industrial) zoning district would be compatible with these uses. He would not necessarily be in favor of an overlay district. It seems by limiting the uses to designated zoning districts (IH or IL) somewhat achieves the same goal as there is only one area in the Township where a cluster of IH exists. He is inclined to be in favor of requiring a Special Use Permit so that the Township can put conditions in place as well as being able to monitor and regulate the use. Should the Township choose to use an overlay district there should be very specific separation requirements to keep the uses away from single family areas.

Hayes stated it makes sense to take a slow approach because this is something new for the Township. Not allowing retail seems to go along with the slower approach. She would be in favor of limiting the uses to the IH zoning district, perhaps limiting the number of uses and requiring a Special Use Permit.

Lorenzen asked what were the impacts on adjacent residential uses of having a grow facility nearby neighborhoods.

Wittenberg stated the biggest concern and most difficult to address would be odor. Specifically, the grow operations and to a limited extent the processing operations. This could be addressed by conditions within a Special Use Permit and/or with screening.

Lorenzen stated she has become aware that there could be some environmental impacts as well. It would be important to make sure that this would not be an issue for the allowed areas that are chosen. She does not have a problem with requiring a Special Use Permit but the IH district seems like it is already suited for these types of uses. She is also in favor of limiting the number of each type of facility allowed within the Township.

Wittenberg explained the overlay would be setting a geographic boundary. If the boundaries are established it takes some of the pressure off the Township Board, Planning Commission and staff should someone want to rezone a particular area to IH for the purpose of a medical or recreational marihuana facility that was not within the boundary.

Bertram stated he agrees with everyone in not allowing a retail component. He is leaning toward allowing the other uses in the IH district. He questioned what is used to determine the layout of a boundary area. He is opposed to any of these uses being near residential.

Keilen expressed concern with allowing any of these uses in the Agricultural areas. He is in favor of keeping it in the IH zoning district.

Wittenberg noted that this is all new for the Township. It is a starting point that can always be reevaluated in six months to a year after obtaining some statistics from the Township's police department. He reiterated that there is nothing to prevent someone from requesting the IH zoning district in some other area of the Township without specifying what the intended use is. Identifying a specified area for these uses and separation requirements in essence does limit the number of the various uses.

Fair stated he feels the boundary should be only in the areas designated for industrial uses and away from residential. He noted that the proposed boundary area on the map provided encompasses the DeWitt Area Recreation Authority property as well as Granger Meadows Park.

Lorenzen concurred with Fair's comment and limit the area to industrial areas on the Future Land Use Map.

Wittenberg reiterated that separation requirements would be in place to keep these uses away from uses other than Heavy Industrial.

Fair suggested that any if of these uses being considered want to go outside of the boundary area it should be done by Special Use Permit.

Chairman Keilen questioned if the Commission was satisfied with the discussion that has taken place and directing staff to draft an ordinance to be considered for public hearing at the February meeting.

Lorenzen moved to receive Proposed Ordinance Amendment 20-2 Medical and Recreational Marihuana and set for a Public Hearing to be held at the February 1, 2021 Planning Commission meeting. Supported.

ROLL CALL vote on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

NEW BUSINESS:

I. Election of Officers for the Year 2021.

Chairman Keilen called upon staff to review procedures for Election of Officers.

Wittenberg stated the Planning Commission is required annually to elect officers for the calendar year. Appointments for Chairman, Vice Chairman and Secretary can not exceed two consecutive years. The current Chairman, Vice Chairman and Secretary have served their first year and would be eligible to serve another term if the Planning Commission so chooses. He invited nominations for each position.

Fair moved to cast a nomination for a slate of Officers as follows:

**Chairman – Bruce Keilen
Vice Chairman – Tim Fair
Secretary – Mike Nolen**

There were no further nominations.

Hearing no further nominations, Fair moved to close the nominations for Chairman, Vice Chairman and Secretary and cast a unanimous ballot for the following:

**Chairman – Bruce Keilen
Vice Chairman – Tim Fair
Secretary – Mike Nolen**

Supported.

ROLL CALL vote on motion:
AYES: 9 NAYS: 0
MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Faye Hagy, 1745 E. Clark Road, Lansing, MI 48906, questioned if there had been discussions with communities similar in size to DeWitt Township that allow grow activity to see how their communities have been affected.

Wittenberg stated there have been preliminary discussions with other jurisdictions that allow these types of uses, both retail and nonretail components, this additional information will be compiled and provided for the Public Hearing.

Hagy thanked the Planning Commission for being concerned for the residents on this issue. She does not feel a 500 ft. separation is sufficient.

There were no further public comments.

REPORTS:

I. Trustee:

Trustee Fedewa gave a brief report on business conducted and actions taken at recent Board of Trustees meetings.

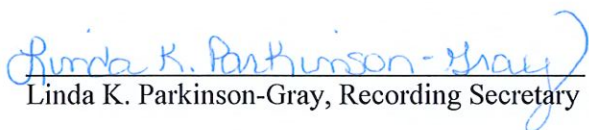
II. Zoning Board of Appeals: No Meeting was held in December.

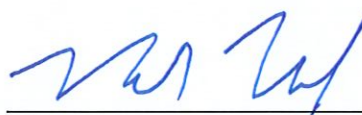
III. Committees: None.

IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT: **Fair moved to adjourn the meeting at 8:00 p.m. Supported. MOTION CARRIED.**


Linda K. Parkinson-Gray, Recording Secretary


Mike Nolen, Secretary

II