

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
NOVEMBER 10, 2010**

The meeting was called to order by Chairperson Thompson at 7:30 p.m. Commissioners present: Johnson, Boynton, Koscielny, McKenna, Kelley, Budd, and Thompson. Staff present: Director Swallow and Secretary Queener. McKenna Associates representative present: Sally Hodges. There were two people in the audience.

APPROVAL OF AGENDA:

**Motion McKenna, Boynton second to approve the agenda as presented.
Motion carried.**

MINUTES:

**Motion Budd, McKenna second to approve the minutes of October 27, 2010 as presented.
Motion carried.**

ITEM #1

**TITLE: LOCAL ZONING AND ORDINANCE OPTIONS IN RESPONSE TO
MICHIGAN'S MEDICAL MARIHUANA ACT**

Director Swallow reviewed the proposed amendments to the General Ordinance and the Township Zoning Ordinance. Swallow reported that communities are taking various approaches to the new Medical Marihuana Act including authorizing limited uses in industrial districts, permitting the use as home occupation and the approach that the Federal Law is the law of the land and any use contrary to federal laws should be prohibited. Unfortunately, the state law is vague and has many conflicts. The Commissioners were provided examples from various communities including the surrounding communities of the City of Belleville, City of Romulus, City of Wayne, Canton Township, Huron Township, Sumpter Township and Ypsilanti Township. Most communities are initially taking the moratorium approach including the City of Romulus, Sumpter Township and Huron Township. Canton Township is taking the contrary to federal law approach, and the City of Belleville and Ypsilanti Township have developed ordinance that are subject to special use approval in an Industrial District.

Sally Hodges representing McKenna Associates stated their recommendation was to amend the General and Zoning Ordinances as follows:

1. Zoning Ordinance Amendment. The proposed zoning amendment would modify Article IV, General Provisions, Section 4.01 to add the prohibition language. This amendment should be scheduled for a public hearing and moved forward by the Planning Commission.
2. General Ordinance Amendment. In addition, The Township Code of Ordinances be amended. Prohibition through a non-zoning ordinance may avoid challenge to the

regulation as being exclusionary. This amendment should be forwarded to the Township Board of Trustees for consideration and adoption.

The Commissioners had discussion regarding how complicated enforcement will be to limit the use and had concerns about the negative secondary impacts. The Commissioners inquired if Livonia or other communities that have taken the prohibition approach were challenged successfully and what that will mean to Van Buren Township. The Commissioners felt that the individual communities should not have had to take this on, it should have been resolved at State and Federal level. According to studies in other states allowing medical marihuana facilities, such as dispensaries, has led to increases in illegal activities and crimes.

Director Swallow stated he will review the proposed language with the Township Attorney and schedule a public hearing for December.

GENERAL DISCUSSION:

None.

ADJOURNMENT:

Motion Boynton, McKenna second to adjourn at 8:15 p.m.

Motion carried.

Respectfully submitted,

Patricia Queener,
Recording Secretary